



On the other side of the fence

Report on human rights
monitoring in places of
detention in Uzbekistan



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"Your life costs only 50 cent. It is a price of a piece of paper used to issue a death certificate in prison".

The words said almost every day by the guards to a former prisoner in Uzbekistan

TABLE OF CONTENTS

EXECUTIVE SUMMARY	6
METHODOLOGY	7
Legal Framework.....	8
International Law.....	8
National Law.....	9
PRE-TRIAL DETENTION	9
The Case of Bobomurod Abdulla.....	13
COLONIES AND PRISONS	14
Security Service Control.....	15
Discrimination and Ill-Treatment of Religious Prisoners and People Convicted on Politically Motivated Grounds.....	16
“Mindors” assigned to religious and special category prisoners.....	17
Practice of religion prevented, punished.....	17
TORTURE AND ILL-TREATMENT	19
Torture of Religious Prisoners.....	19
Breaking Prisoners: Arrival and Quarantine.....	19
Examples of Prison Positions.....	21
JASLYK PRISON	22
DISCIPLINE	24
Punishment Cells.....	24
Arbitrary Extension of Sentences.....	25
PROTECTION MEASURES	27
Lack of Independent Monitoring Mechanisms.....	27
Inspections and Visits.....	28
Complaints Procedures.....	29
DAILY REGIME AND ACTIVITIES	30
CONTACTS	32
Visits and Treatment of Relatives.....	33
PRISON WORK	34
Lack of safety equipment.....	35
Underpayment and Corruption.....	36
MATERIAL CONDITIONS INHUMAN, DEGRADING, AND USED TO PUNISH PRISONERS	36
Food and Water.....	37
Overcrowding and Accommodation, Light and Air.....	38
Personal Hygiene and Sanitary Facilities.....	38
Clothing and Bedding.....	39
MEDICAL SERVICES	39
RE-INTEGRATION AND POST-RELEASE CHALLENGES	40
No Compensation.....	41
Ongoing harassment.....	42
ENDING IMPUNITY: THE WAY FORWARD FOR REFORM	43
RECOMMENDATIONS TO THE GOVERNMENT OF UZBEKISTAN	44

EXECUTIVE SUMMARY

As Uzbekistan's government strives to break from its deeply repressive history and undertake reforms to modernize and come into closer alignment with international standards, close attention to the prison system is warranted. Even against the backdrop of Uzbekistan's deeply troubling human rights situation, the prison system has long stood out as problematic with its atrocious conditions and rampant abuses including torture and ill-treatment. While all penal systems serve to punish criminal behavior, many also strive to fulfill other functions, primarily rehabilitation, so that offenders may rejoin society and avoid reoffending. Uzbekistan's prison system stands out for its almost wholly punitive approach, dearth of opportunities for education or rehabilitation, inhuman conditions, and practices that appear intended to degrade and dehumanize inmates.

Although pre-trial detention and the prison system are both places of deprivation of liberty, they fall under different jurisdictions and are intended to serve different purposes. Pre-trial detention is intended to ensure that defendants, who are presumed innocent, appear at trial and are prevented from committing any new offenses. Post-conviction facilities hold offenders to account as well as prepare them for life after release. This report includes a brief description of conditions and treatment in pre-trial detention because torture, ill-treatment, and inhuman, degrading conditions are embedded throughout the criminal justice system, not just to punish offenders or alleged offenders, but to dehumanize them and rob them of the will to assert their rights.

Researchers interviewed 19 respondents for this report, including 14 former prisoners, one person serving his sentence in a prison colony, and four people whose close relatives are in prison. The report also draws on dozens of other interviews conducted by this report's researchers with former inmates, relatives of inmates, and lawyers conducted over the last 15 years.

Former inmates and their relatives described inhuman and degrading treatment in prisons, including torture, as well as poor conditions that amount to inhuman and degrading treatment. These include punitive and arbitrary systems and rules for discipline that include the use of torture and other ill-treatment, as well as strict limitations on contact with and connection to the outside world, including through visits, letters, telephone calls, television, and periodicals and access to legal and medical assistance. They also described overcrowding, poor quality or insufficient water, poor food, hazardous working conditions, and corruption.

The conditions and practices of detention documented here point to deeper problems of rule of law and the justice system that are beyond the scope of this report. But it is clear that the complete lack of independence and checks and balances between the branches of the criminal justice system and rampant impunity for violations imperil reform efforts and should be urgently addressed.

The Mirziyoyev government has shown signs of willingness to reform. Respondents for this report noted some small but meaningful changes in the quality of life after Mirziyoyev came to power in 2016, including slightly better food, improved conditions for family visits, and modest improvements in their treatment by prison staff. The government has committed to cooperation with the UN on comprehensive prison reform, engaged in regional dialogue on combatting extremism in prisons, and in 2017 allowed a UN expert on freedom of religion to visit various institutions in the country, including its notorious Jaslyk prison. In August 2019, President Shavkat Mirziyoyev issued a decree ordering the closure of Jaslyk prison and its conversion to a pre-trial detention center, a development that carries both practical and symbolic significance. However, for these improvements to take root as lasting, durable reforms, they must be accompanied by deeper systemic reforms. These reforms must not only improve abusive prison conditions but undertake a deeper transformation of the penal system from one that is predominantly punitive and dehumanizing to one in that focuses on rehabilitation and reintegration of offenders. This requires not only political will, but resources, significant staff training, increased transparency, and accountability for abuses by law enforcement and prison staff. A transformation of the prison system urgently and fundamentally requires independent oversight and monitoring, including monitoring by civil society groups, as well as mechanisms to ensure that allegations of violations can be reported, promptly, thoroughly, and independently investigated and remediated and abusers held accountable.

Moreover, for Uzbekistan to reform its prison system to one that conforms to international standards and serves the rule of law, it must grapple with the fact that its prisons house thousands of inmates whose prosecutions are tainted with credible allegations of torture, violations of fair trial standards, and other due process guarantees as well as those who have suffered torture or other ill-treatment in prison.

METHODOLOGY

This report focuses on the conditions of detention in prison colonies and prisons for adult males in Uzbekistan, although it also includes information from pre-trial detention facilities and low-security, pre-release colonies. It does not include information about women's experience in prison or the juvenile justice system.

This report is based on in-depth semi-structured interviews conducted with 14 former prisoners in Uzbekistan and four people who between them have nine siblings, children, or other close relatives currently serving prison sentences. Names of respondents have generally been withheld and, where used, are on the basis of informed consent. Interviews took place in September and October 2018 in six cities in Uzbekistan. These Interviews were conducted in Russian, by resear-

1/ *Monitoring Places of Detention: A Practical Guide for NGOs*, Association for the Prevention of Torture and the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, ISBN 2-9700214-1-2, Geneva, December 2002, <https://www.osce.org/odihr/29845?download=true> (accessed April 25, 2019).

2/ For a comprehensive list of standards and norms applicable to persons deprived of their liberty, see *International Standards, Penal Reform International*, <https://www.penalreform.org/priorities/prison-conditions/4616-2/> (accessed June 5, 2019).

3/ UN General Assembly, *Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106*, available at: <https://www.refworld.org/docid/45f973632.html> (accessed September 3, 2019). Uzbekistan signed the convention on February 27, 2009.

chers fluent in Russian, with translation from Uzbek into Russian in a few cases. Interviews were conducted in private, and on the basis of informed consent with the nature and purpose of the interview described. Additional follow-up information was gathered in spring 2019. Interview topics and questions were informed by the practical guidelines for *Monitoring Places of Detention* to support monitoring of places of detention for the prevention of torture and presents the international standards on relevant issues such as treatment, material conditions, and protection measures.¹ An additional interview with a former inmate was conducted by telephone in July 2019. The report also relies on discussions with a focus group on conditions of detention consisting of two respondents with first-hand knowledge of conditions in places of detention, held in Warsaw in July 2019. The report also draws on interviews with dozens of former inmates, relatives of inmates, and lawyers conducted by this report's researchers between 2003-2018 that corroborate the findings described here and provide a fuller understanding of the scope, scale, and longstanding nature of abusive and dehumanizing prison conditions.

The people whose experiences form the basis for this report include people convicted for politically motivated reasons whose cases have been publicized and documented, as well as people convicted for their peaceful religious belief, for business activities, and reasons related to corruption. They include journalists, human rights defenders, religious Muslims, businessmen, former law enforcement officials, and others. The snowball sampling method of selecting respondents was used, whereby respondents, having understood the goals and purpose of the research, recruited additional respondents to participate.

Only one of the people whose experience is described was credibly accused of any violence. All were arrested between 1999 and 2017 and all but one were sentenced to prison terms ranging from four to 20 years in prison but actually served from eight to 23 years in prison. One person was in pre-trial detention for seven months and sentenced to a non-custodial sentence. Seven people whose cases are discussed remain in prison. Sixteen people were sentenced to additional years in prison while serving their sentences, in most cases ostensibly for disciplinary violations (see *Extension of Sentences*).

Legal Framework

International Law

Uzbekistan has ratified key international conventions governing treatment of persons in custody and conditions of detention. These include the International Covenant on Civil and Political Rights, the International Covenant of Economic, Social, and Cultural Rights, and the Convention Against Torture.² It is a signatory to but has not yet ratified the Convention of the Rights of Persons with Disabilities.³ These co-

ventions enshrine the inherent dignity of all persons and the particular duty of states to protect the security, health, and dignity of persons in state custody. The United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Mandela Rules, are the operative standards for treatment in detention and provide a framework for monitoring and inspection of places of detention and treatment of prisoners.⁴

4/ “United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules),” A/RES/70/175, May 21, 2015, <https://undocs.org/A/RES/70/175> (accessed April 30, 2019).

5/ The Code was adopted by law N° 409-1 on April 25, 1997, and entered into force on October 1, 1997.

6/ Available at: <http://lex.uz/docs/2216121> (Accessed November 14, 2019).

7/ Узбекистан и УНП ООН: совершенствование пенитенциарной системы в соответствии с международными стандартами, available at: <https://eurasiangroup.org/ru/uzbekistan-i-unp-oon-sovershenstvovanie-penitenciar-noy-sistemy-v-sootvetstvie-s-mezhdunarodnymi-standartami> (accessed on November 14, 2019).

8/ UN Commission on Human Rights, Report on the question of torture: Addendum Mission to Uzbekistan, 3 February 2003, E/CN.4/2003/68/Add.2, available at: <https://www.refworld.org/docid/4090ffc80.html> [accessed 12 June 2019], p. 21, para. 67.

National Law

The main national law regulating the rights and obligations of prisoners is the Penal Enforcement Code.⁵ Its provisions are numerous amended and expanded on substantively in regulations and implementing legislation adopted by other administrative and legislative bodies. The administration of the places of detention must ensure the conditions of imprisonment according to the Internal Rules of Imprisonment in Penitentiary Institutions of the Ministry of the Interior of the Republic Uzbekistan adopted by Order N°174 of the Ministry of the Interior on December 29, 2012 in Uzbek language only⁶. The humanization of the penitentiary system and the reform of penal enforcement legislation in Uzbekistan is one of five priorities of the development of the National Strategy Policy for 2017–2021 implemented in cooperation with the UN Office on Drugs and Crime⁷.

PRE-TRIAL DETENTION

Temporary detention cells, known by the Russian acronym IVS (*izolyator vremenogo soderzhaniya*—isolators for temporary detention) are used for housing suspects following arrest for up to three days, and are located on the premises of most law enforcement agencies, often in basements. Pre-trial detention facilities, known by the Russian acronym SIZO (*sledstvennii izolyator*—investigative isolation) are jails for holding suspects undergoing investigation and defendants awaiting trial, fall under the jurisdiction of the Ministry of the Interior or the State Security Service, commonly referred to by the Russian acronym SGB, or its former name SNB for National Security Service. These detainees are housed in facilities under the same jurisdiction as the investigators in their cases, despite long-standing recommendations to change this practice.⁸ Post-conviction prisoners on remand, including when they are transferred between prisons, are also housed in SIZOs, often for a period of several months and even up to a year.

Respondents for this report were confined in various temporary detention cells and at least eleven different SIZOs for periods of several weeks to many months at a time. Although their combined experiences in SIZOs span more than 20 years, respondents described a consistent set of problems across all pre-trial facilities whether under Mi-

9/ A Cabinet of Ministers resolution of March 22, 2018 ordered the demolition of Tashtyurma. Detainees are now housed in a newly-built pre-trial detention facility in the Zangiota district, outside Tashkent. "Notorious Old Prison In Tashkent To Be Replaced With Park," Radio Free Liberty/Radio Europe, <https://www.rferl.org/a/uzbekistan-prison-turned-into-park/29124138.html> (accessed June 18, 2019).

10/ Interview with Respondent 15, Tashkent, October 1, 2018.

11/ See the Association for the Prevention of Torture, Material Conditions of Detention: Sanitary facilities and personal hygiene, https://www.apt.ch/detention-focus/en/detention_issues/47/?vg=-1 (accessed June 1, 2019).

12/ Interview with Respondent 12, Andijan, September 29, 2018.

13/ The minimum amount of water for survival is three to five liters per person per day, and 10–15 liters per day to maintain good health, as long as other services are in good working order. See: (Association for the Prevention of Torture, Material Conditions of Detention: Sanitary facilities and personal hygiene, https://www.apt.ch/detention-focus/en/detention_issues/47/?vg=-1 (accessed June 1, 2019).

14/ Interview with Respondent 4, Margilan, September 27, 2018.

15/ Interview with Respondent 15, Tashkent, October 1, 2018.

16/ Interview with Respondent 15, Tashkent, October 1, 2018.

nistry of Interior or National Security Service control, that has changed little over the years and which point to deep systemic problems. The lack of rule of law in the country and absence of independent oversight or check on the powerful agencies that control pre-trial detention facilities has allowed poor and abusive conditions, torture and ill-treatment, serious due process violations, and corruption to flourish unchecked.

Basic material conditions in pre-trial detention, as described in detail by the respondents, fall well short of international standards in every respect. They are generally so poor as to raise concern that they cannot be explained except as deliberately punitive, possibly to pressure people during the investigative period, and as exhibiting complete disregard for the inherent dignity of every human. Former detainees said that many pre-trial detention facilities were overcrowded, forcing some detainees to sleep on the floor or use the beds in shifts. SIZO-1 in Tashkent, known colloquially as Tashtyurma, was particularly notorious for overcrowding.⁹ For example, one detainee said that there were 30 people in his cell intended for 10.¹⁰

Beds in pre-trial jails are metal and sometimes detainees are not given mattresses or bedding. Cells are poorly ventilated with little fresh air; some cells have no window or windows that are obscured by metal shades that limit visibility and ventilation. Cells are usually lit with a single weak bulb and the light is usually kept on at all times, even at night. Detainees in pre-trial detention have only irregular or no access to fresh air and exercise. Detainees said they might be allowed out to the jail yard for 15 minutes a day, if at all. Toilet access is restricted: detainees are usually allowed from their cells just once a day to use the toilets; the rest of the time they have to use an open bucket in a corner of the cell in place of a toilet. The buckets are not separated from the rest of the cell by any kind of partition. This practice violates standards of hygiene and privacy.¹¹ Crowding, poor ventilation and open toilet buckets mean that cells stink, and it can be difficult to breathe. One former detainee said, "We lived worse than cattle. The stench was unbearable."¹²

Detainees said they were allowed one shower per week and that provisions for regular hygiene are inadequate. Not all pre-trial cells are equipped with water for washing. Sometimes water for washing and drinking is brought in plastic bottles, but far less than the recommended quantities to maintain good health.¹³ One respondent said that in his pre-trial cell, detainees "washed" their hands by rubbing them on the damp walls, which sometimes dripped with water.¹⁴ Another said that there was a sink in his cell but that the water was only turned on for an hour a day at irregular times so detainees would fill every available cup or bottle with water when it was available.¹⁵ Former detainees described cells as rife with lice, scabies, rodents, and flies. One former detainee, who had severe burns as a result of torture and could not wear a shirt over his injury said that his cell mates had to constantly fan him with a towel so that his wounds would not become infested with flies.¹⁶

The provision of food varied widely in pre-trial detention. Especially during the investigative stage, when many respondents said they were subjected to pressure, including torture and other ill-treatment, detainees received little food, usually bread and tea and a plate of soup or porridge just once per day. Detainees are allowed food from home, subject to some restrictions, including arbitrary restrictions from guards, and many detainees rely on food from home to survive. This creates opportunities for abuse and vulnerabilities for detainees, especially those whose families have limited resources or are far away.

Although nominally basic practices to protect detainees' rights are enshrined in law, former detainees said they are frequently violated or ignored in practice. Detainees are not always permitted a phone call, even to inform relatives of their arrest and arrests are not always registered in a timely manner upon the moment of detention. Investigators routinely deny detainees access to a lawyer or to a lawyer of their choosing, or pressure detainees to reject an independent lawyer in favor of a "pocket" lawyer selected by the investigative authorities, so-called because they are seen to be in the pocket of the investigative authorities and act in the interests of the government not defendants. Detainees said they were rarely permitted to meet their lawyers without the presence of investigators, and often denied access to materials essential for preparing their defense.

Former detainees and their relatives also described serious and systematic violations of due process and other protections while in pre-trial detention with fair trial implications in every specific case described here and for the rule of law in Uzbekistan more broadly. These violations were facilitated or exacerbated by the fact that detainees are held in facilities administered by the very agencies investigating them, leaving investigative and prosecutorial powers unchecked and detainees vulnerable to abuse. In some cases, this lack of oversight and functioning protection mechanisms allowed extreme abuses to occur in pre-trial detention. One respondent was kept in solitary confinement for more than a year and a half during pre-trial detention and never allowed out of his cell during this time except for interrogations and once a day to the toilet and once a week to the shower. He was denied access to fresh air and exercise, family visits, and access to a lawyer of his choosing. He said he wrote complaints but that they did not go anywhere because they had to be handed to the investigator.¹⁷ In two other cases, respondents said that they were detained and kept incommunicado for weeks or months at unofficial detention facilities before their arrest was registered. During this time, both were kept restrained day and night, one to a radiator, the other to a bedframe.¹⁸

Most significantly, deficiencies in the pre-trial detention system and rampant impunity leave detainees vulnerable to torture to extract confessions or other incriminating evidence. All respondents for this report except two said that they or their relatives suffered torture in pre-trial detention. One said he was not tortured although he suffered other ill-treatment; the other said he did not know if his relative was tortured.¹⁹ Respondents consistently described the most severe

17/ Interview with Respondent 2, Tashkent, September 26, 2018.

18/ Interview with Respondent 12, Andijan, September 29, 2018; and telephone interview with Respondent 20, July 3, 2019.

19/ Interview with Respondent 2, Tashkent, September 26, 2018; and Respondent 10, Andijan, September 28, 2018.

20/ Interview with Respondent 19, Tashkent,
October 3, 2018.

21/ Ibid.

22/ Ibid.

23/ Telephone interview with Respondent 20,
July 3, 2019.

re ill-treatment and poor conditions during the investigative phase of their cases, when investigators used torture and ill-treatment to secure confessions or coerce statements incriminating others.

One former prisoner said that he was held for three days in temporary detention and beaten regularly, especially on his head and feet, by interrogators to force him to confess. He was not allowed to call his family or have access to his lawyer during this time. Investigators also denied him access to a toilet, telling him he could only go after he signed a confession.²⁰ He was kept in a cell with only a bare metal bedframe and a bucket for toilet, and was given a piece of bread and cold tea just once a day. Unable to withstand the beatings, he signed a confession and was transferred to a SIZO. There, investigators continued to interrogate him and used torture to coerce him to make statements incriminating others. He described being brought to a special cell for interrogations and torture:

I was called in every day and told to give evidence against [colleague]. They put a gas mask on me and cut off the oxygen to torture me. They tied on a rubber straitjacket that went to my knees. If you move at all, it tightens and is very painful. They beat me on the head and on the bottom of my feet with a bottle filled with water, so it doesn't leave marks. The room was empty except for metal stools and places to attach handcuffs.... They would torture me and leave me on the floor, handcuffed to a table leg like a dog, and then they would leave for hours, with no food, no water, no access to the toilet....They told me if I signed their statements I would go free but if I refused they threatened to send me to Jaslyk [prison], where 'we will torture you and you will die.' They beat me so badly, I couldn't walk.²¹

Torture, ill-treatment, isolation, lack of protection, and poor conditions can leave detainees feeling hopeless and desperate. During three months in pre-trial detention, a detainee was permitted just one meeting with a lawyer and one meeting with his wife. During his trial, officers left him for a day in a solitary confinement cell containing only a metal bed and a length of rope. He said that the guard told him he did not stand a chance at trial but that he could "take other measures."²²

Similarly, another respondent arrested in 2013 and who was still serving his sentence in a prison colony at the time of writing, recounted in detail being beaten and kicked for hours at a time and tortured with electric shocks over many weeks in pre-trial detention to extract a confession and provide incriminating evidence against others. He eventually signed a confession, writing whatever the investigators told him to write, and was eventually convicted to 16 years. He lost his vision as a result of the torture. His wife visited for the first since his arrest time only after he was convicted seven months later. "She saw my destroyed body and I said goodbye to her. I thought I was going to die."²³

The Case of Bobomurod Abdulla

Bobomurod Abdulla, an independent journalist from Tashkent, spent more than seven months in SNB custody in 2017 and 2018, where he was subjected to torture and other ill-treatment.²⁴ Abdulla's treatment in pre-trial detention shares similarities with that of the other prisoners described in this report. His case highlights longstanding problems and abuses of the pre-trial detention system, the impunity of the security services, and absence of rule of law, challenges that continue to the present day.

On September 27, 2017, two men he did not know grabbed Abdulla near his home in Tashkent, handcuffed him, shoved him into a car, and put a bag over his head.²⁵ Abdulla said that the men drove him for approximately 20 minutes and took him into a building and downstairs. He later learned he was in SNB custody. When the men removed the bag from his head, he saw that he was in a purpose-built torture room that had rings attached to the walls and floor. They put him on a metal stool attached to the floor with a hole in the seat through which to attach the handcuffs. Then men told him he would have to provide compromising information against officials. They later transferred him to a completely dark cell and chained him to a ring on the wall where he was kept overnight. They did not provide food or water, only an empty bottle to urinate into. After receiving nothing during the first 24 hours of his arrest, guards brought him some potatoes and bread so he would not lose consciousness when they beat him. After receiving the food, he was subjected to torture, including prolonged beatings for several days. He said that on one occasion interrogators forced him to drink a liter and a half of liquid and denied him access to a toilet, beating him until he urinated on himself.

Over the next several days, Abdulla was subjected to severe prolonged beatings by groups of men who interrogated him about his writings and ordered him to write incriminating statements against officials. When he was brought to court on October 1, Abdulla told the judge he had been tortured and showed his bloodied clothes, but the judge told him to be quiet and granted a sanction for his arrest for three months during the investigation.

Abdulla was returned to a cell with two other people where he remained for the investigation period. He said that his arrest was formally registered, and he was given a medical exam during which a doctor photographed his injuries and asked who beat him. Abdulla said that when he said he did not know the names of the people who beat him, the doctor replied 'then it didn't happen here. Say you fell. It will be easier for you.' He remained in the same clothes he was arrested in and was not allowed to bathe for 10 days. Abdulla was granted a brief visit with his wife in the presence of authorities on October 1 and then had no contact with her for three months.

24/ Abdulla is also referred to as Abdullaev, the Russified version of his name.

25/ Interview with Bobomurod Abdulla, Tashkent, October 3, 2018. All information in this section is taken from this interview unless noted. Additional sources are cited separately.

26/ Uzbekistan: Immediately and unconditionally release independent journalist Bobomurod Abdullaev, Pen International, October 10, 2018, <https://pen-international.org/news/uzbekistan-immediately-and-unconditionally-release-independent-journalist-bobomurod-abdullaev> (accessed May 9, 2018); UZBEKISTAN: INVESTIGATE TORTURE OF JOURNALIST: 12 HUMAN RIGHTS GROUPS CALL FOR JOURNALISTS, OTHERS' IMMEDIATE RELEASE, Amnesty International, EUR 62/7895/2018, February 14, 2018, <https://www.amnesty.org/en/documents/eur62/7895/2018/en/> (accessed May 9, 2019).

27/ Uzbekistan: Prisoner of conscience freed after being sentenced to community service, Amnesty International, May 7, 2018, <https://www.amnesty.org/en/latest/news/2018/05/uzbekistan-prisoner-of-conscience-freed-after-being-sentenced-to-community-service/> (accessed May 9, 2019).

28/ "Uzbekistan: Reporter Convicted but Spared Jail," Human rights Watch press release, May 7, 2018, <https://www.hrw.org/news/2018/05/07/uzbekistan-reporter-convicted-spared-jail#> (accessed June 12, 2019).

29/ "The forensic examination did not confirm that the independent journalist, Bobomurod Abdullayev, was tortured," Uzbek-German Forum, March 16, 2018, <http://uzbekgermanforum.org/the-forensic-examination-did-not-confirm-that-the-independent-journalist-bobomurod-abdullayev-was-tortured/> (accessed December 6, 2019).

30/ Letter 28/3-D-6, from Department Head B. T. Madiyrov, Ministry of Internal Affairs to activist Tatiana Davlatova, August 16, 2019.

During the investigation, investigators told Abdulla he would have to "earn" a bed by providing information. For the first ten days, he slept on metal stools pushed together. After ten days, he was given a bare bedframe and a mattress after another ten days. During this period, he was subjected to prolonged beatings every day for 39 days, including with fists, truncheons, water bottles, and an electric cable. On one occasion, interrogators deprived him of sleep for six days, keeping him in a padded cell and beating him whenever he fell asleep. At another point, he was kept naked in a freezing cell for three days. Abdulla said that by November 5, interrogators had gotten the "information" they wanted from him and stopped beating him.

Abdulla's case drew international attention and concern, and his wife and a local human rights defender were able to find him a lawyer.²⁶ The lawyer first visited Abdulla in December but Abdulla said that after he met with his lawyer the investigators ordered him to sign a statement refusing the lawyers' services. They took away his bed and mattress and said they would not allow him to sleep unless he refused his lawyer.

After a trial that lasted from March 7- May 7, 2018, Abdulla was convicted of infringing the constitutional order and released from court with a sentence of 14 months' corrective labor, with 20% of his salary to be paid to the government.²⁷ Although the openness of Abdulla's trial was touted by some observers as a sign of Uzbekistan's commitment to uphold human rights,²⁸ the trial was fundamentally marred by serious due process violations that highlight the lack of independence of the judiciary and underscore some of the significant rule of law issues that remain to be addressed. At trial, Abdulla described the torture and ill-treatment he had suffered but the court did not order an independent investigation of his allegations and proceeded to convict him apparently without taking the allegations into account.²⁹ The court instead ordered that the SNB conduct an internal investigation. Abdulla said that before the trial, SNB officers promised him greater leniency if he would promise to stop criticizing the government but he refused.

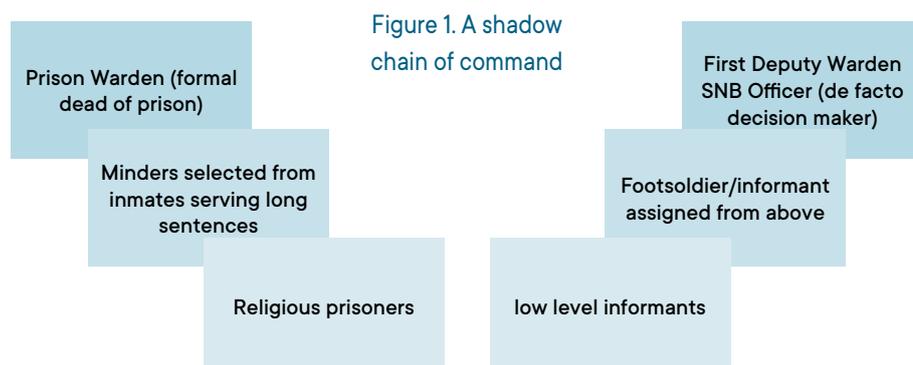
COLONIES AND PRISONS

Post-conviction facilities are known as prison colonies or prisons (referred to generally in this report as prisons), depending on the security regime, with different living arrangements, internal rules, and privileges in each. This system in Uzbekistan is overseen by the Main Administration for the Execution of Punishment, commonly known by its Russian acronym GUIN, which falls under the jurisdiction of the Ministry of Internal Affairs. Official information about prisons in Uzbekistan, including the number and location of penal institutions and the number of people held, is not publicly available. In response to a formal request for information about the number of penal institutions in Uzbekistan, the Ministry of the Interior cited a 1994 decree of the Cabinet of Ministers that all data about penal institutions and their locations, are

considered secret.³⁰ However, according to public statements by Uzbek officials, Uzbekistan has approximately 122 to 133 inmates per 100,000 people, over a total population of approximately 30 million.³¹ Unofficial estimates list about 30 colonies of various security regimes and over a hundred colony settlements; respondents for this report described conditions at 19 different post-conviction facilities.

Security Service Control

Although all post-conviction facilities are formally under the jurisdiction of the Ministry of Interior, in 2007, the National Security Service, known by its Russian acronym SNB (renamed in 2018 to the State Security Service, known by the acronym SGB), installed agents as deputy directors of all prisons as part of the SNB's effort to consolidate political, legal, and economic power.³² Former prisoners said that this move allowed the SNB to take de facto control of oversight within prisons, creating a shadow chain of command (see figure 1, below). This development carried particular significance because the SNB, the country's most widely-feared and notorious law enforcement agency, handled national security cases including investigation and prosecution of religious Muslims suspected of extremism. Since the late 1990s, Uzbekistan has waged a campaign of persecution against people who practice religion outside of strict state controls, imposing restrictions on religious dress and basic, peaceful religious observance.³³ This campaign resulted in cases against many thousands of people for religious reasons, many of whom were tortured in pre-trial detention and convicted in manifestly unfair trials. People convicted on religious grounds include those convicted for membership of so-called extremist or prohibited groups and those convicted for peaceful religious practice that falls outside strict government controls, such as possessing banned religious literature; participating in unregistered religious meetings or prayer groups; collecting of money for charitable purposes; or conducting unsanctioned religious education. Many of these prisoners are convicted for long sentences of up to 20 years. A small minority of religious prisoners were convicted for charges related to violence or terrorist acts, such as the bombings that took place in Tashkent in 1999 and 2004, or the events that led to the Andijan uprising in 2005. The government has not released information as to the number of people in Uzbekistan's prisons convicted on religious charges but estimates range from 5,000-15,000.³⁴ The UN special rapporteur on the freedom of religion or belief noted, "It is hard to know whether those detainees were indeed involved in violence or other crimes or whether they were only 'guilty' of taking their faith seriously."³⁵



31/ Akmal Saidov, head of the National Human Rights Commission, cited 122 inmates per 100,000: Саидов: Узбекистан по числу заключенных находится на уровне Британии [Saidov: Uzbekistan is on par with Britain for number of inmates], Sputnik, May 23, 2018, <https://uz.sputniknews.ru/society/20180523/8294306/saidov-Uzbekistan-Zakluchennyye.html> (accessed May 9, 2019). In its national report submitted to the UN Human Rights Council's Universal Periodic Review, the government cited 133 inmates per 100,000. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Uzbekistan, A/HRC/WG.6/30/UZB/1, February 26, 2018, para. 49, (accessed September 3, 2019).

32/ On renaming SNB and reforms to the agency: "Uzbek intelligence agency reforms bring oversight, new direction," Maksim Yenisseyev, *Caravanserai*, April 13, 2018, http://central.asia-news.com/en_GB/articles/cnmi_ca/features/2018/04/13/feature-01 (accessed May 9, 2019).

33/ "Has Mirziyoyev Really Brought Religious Liberty to Uzbekistan?," D.E., Freedom at Issue Blog, Freedom House, January 16, 2019, <https://freedomhouse.org/blog/has-mirziyoyev-really-brought-religious-liberty-uzbekistan> (accessed May 9, 2019); See: Amnesty International, *Uzbekistan: Secrets and Lies: Forced confessions under torture in Uzbekistan*, 15 April 2015, EUR 62/1086/2015, available at: <https://www.refworld.org/docid/5530c08a33b.html> (accessed 9 May 2019); Human Rights Watch, *Creating Enemies of the State: Religious Persecution in Uzbekistan*, 30 March 2004, available at: <https://www.refworld.org/docid/41528e504.html> (accessed 9 May 2019)

34/ UN Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan, February 22, 2018, A/HRC/37/49/Add.2, p. 13, para. 67.

35/ Ibid.

36/ Interviews with Respondent 1, Tashkent, October 2, 2018; Respondent 12, Andijan, September 29, 2018; Respondent 13, Tashkent, September 29, 2018; and Respondent 14, Tashkent, October 1, 2018.

37/ Interview with Respondent 12, Andijan, September 29, 2018.

38/ Interviews with Respondent 12, Andijan, September 29, 2018; Respondent 15, Tashkent, October 1, 2018.

39/ Interview with Respondent 12, Andijan, September 29, 2018.

40/ Ibid.

Discrimination and Ill-Treatment of Religious Prisoners and People Convicted on Politically Motivated Grounds

The government's campaign of persecution against perceived government critics, such as human rights defenders, journalists, members of independent political groups, and religious Muslims, continued in prisons and served particularly to dehumanize them, robbing them of their dignity and ability to assert their rights. People convicted on these grounds are referred to as "special category" prisoners. Guards and prison staff refer to these prisoners as *poduchyotnii*, meaning "under watch" in Russian. In some prisons, these prisoners are also identified as such on their prisoner identification cards, which they must wear at all times. ID cards for regular prisoners are printed in blue or black ink; cards for special category prisoners are red, have the word *poduchyotnii* on them in red, or have a red slash across them.³⁶ One former inmate commented, "murderers, thieves, and other 'regular' prisoners are very good people. Their cards are written in blue. But we are 'bad' people, people convicted for our beliefs. Even if we were convicted on non-political grounds, they knew we were political. They had a list and our cards were red."³⁷

Former inmates also said there was constant discrimination against, and humiliation of inmates convicted on political or religious grounds. For example, special status prisoners never get assigned to lower bunks in barracks and are subjected to additional checks during security procedures or when reporting to work. In many prisons, inmates undergo three security checks per day, during which they are taken to a courtyard or open space outside and counted. During this procedure prisoners must squat, with their hands behind their backs or heads and heads down, except when ordered to stand while their group is being counted. Anyone who raises their head can get struck by a truncheon.³⁸ Special status inmates are counted separately. This "humiliation occurs three times a day. The guard calls out: 'special status prisoners stand up!' 'sit down!' over and over while they get the count right. Other inmates, thieves, murderers, just sit there while we stand up and sit down being counted over and over."³⁹

In at least one prison, special category prisoners were even required to ask permission from the guards to turn over in their beds at night. "After lights out, if you want to change your position, you raise your hand and the guard comes over to you and you have to say, for example, 'may I turn onto my right side,' and the guard says 'you may.' Even if you are asleep you have to ask permission, otherwise they will beat you."⁴⁰

“Mindere” assigned to religious and special category prisoners

All respondents interviewed said that people convicted for their political or religious beliefs faced particularly harsh treatment in prisons, treatment that worsened after the SNB’s move to infiltrate the command structure of the prison system. After this, religious prisoners and some other special category prisoners were subjected to an unofficial system of supervision by assigning “mindere” to subjugate, humiliate, control, keep watch and inform on religious prisoners and some other special category prisoners, such as people convicted for their political beliefs. Mindere, in other words SPP, are prisoners convicted of regular criminal offenses and usually serving long sentences, who have an interest in gaining special privileges or maintaining good relationships with prison staff. For instance, prisoners who serve as mindere or informants may receive easier work assignments, longer family visits, or other privileges.⁴¹ Mindere wield near total control over the daily lives of their assigned prisoners and report on them to prison officials. Prisoners with mindere are denied every basic privacy and dignity. They are required to ask their mindere for permission to do any activity, such as eat or make tea, read, rest, speak to other prisoners, or use the toilet. Mindere accompany their assigned prisoners everywhere on prison grounds, including standing watch over them while they use the toilet.⁴² One former inmate said “I had to ask permission to go to the toilet, brush my teeth, or clip my fingernails. And they could refuse. Once my minder refused to allow me to brush my teeth for an entire month.”⁴³ Another said, “you have to ask permission to take a single step. It is humiliating.”⁴⁴

The ostensible justification for mindere is to prevent and root out religious extremism by stopping religious prisoners from engaging in any religious activity, forming or participating in religious groups, or even socializing among themselves. One former prisoner said, “there was not a minute of peace” granted to any religious prisoner.⁴⁵ This system violates standards that protect individual dignity and prohibit inhuman and degrading treatment as well as those that permit peaceful religious observance, including the right to interact with other members of a faith group.

Practice of religion prevented, punished

Prison officials go to extreme, even absurd lengths to prohibit any manifestation on religious observance in prisons, ostensibly in the name of preventing religious extremism. International law protects the freedom of thought, conscience, and religion, and this protection extends equally to people deprived of their liberty.⁴⁶ The right to religious observance for prison inmates may only be restricted to protect security and order and provisions should be made for inmates to have religious books and materials, observe fasts and dietary requirements, and engage in collective practices, such as group prayer, religious meetings,

41/ Interview with Respondent 4, Margilan, September 27, 2018.

42/ Interviews with Respondent 1, Tashkent, October 2, 2018; Respondent 3, Margilan, September 27, 2018; Respondent 4, Margilan, September 27, 2018; Respondent 8, Margilan, September 27, 2018; Respondent 9, Fergana, September 28, 2018;

43/ Interview with Respondent 16, Chirchik, October 2, 2018.

44/ Interview with Respondent 12, Andijan, September 29, 2018.

45/ Interview with Respondent 16, Chirchik, October 2, 2018.

46/ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> (accessed June 24, 2019).

47/ Mandela Rules 2 and 65. See Association for the Prevention of Torture, *Life in prison (regimes and activities): religion*, https://www.apt.ch/detention-focus/en/detention_issues/50/ (accessed June 23, 2019).

48/ Penal Enforcement Code, Art. 12.

49/ All respondents interviewed for this report are Muslim or described religious practice and the treatment of religious prisoners as pertains to Muslims.

50/ Interview with Respondent 8, Margilan, September 27, 2018.

51/ Interview with Respondent 12, Andijan, September 29, 2018.

52/ Interview with Respondent 9, Fergana, September 28, 2018.

53/ Ibid.

54/ Interview with Respondent 1, Tashkent, September 26 and October 2, 2018.

55/ Interview with Respondent 8, Margilan, September 27, 2018.

56/ Interviews with Respondent 3, Margilan, September 27, 2018 and Respondent 8, Margilan, September 27, 2018.

57/ UN Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan, February 22, 2018, A/HRC/37/49/Add.2, p. 13, para. 72.

and holidays.⁴⁷ Uzbekistan's Criminal Procedure Code also mandates that appropriate conditions be created to allow prayer and peaceful religious observance in prison, including allowing prisoners to possess religious artifacts and texts, and have visits from religious leaders.⁴⁸ Former inmates and relatives of current inmates said that virtually no provision is made in prison for the normal practice of religion.⁴⁹ On the contrary, prison officials harshly punish even basic religious observance such as prayer and subject people convicted for their religious beliefs to systematic inhuman and degrading treatment as well as torture.

Officials prohibit all religious practice or activity, including regular Muslim prayer. The possession of basic religious texts, including the Koran is prohibited. Even the appearance of religious practice is punishable. For example, religious prisoners in some prisons are not permitted to sit on their beds during the day to prevent them from praying surreptitiously.⁵⁰ Guards view anyone sitting on the floor as possibly praying and will hit people over the head with truncheons or treat them harshly if they are found sitting on the floor. One former prisoner said, "When I worked at the prison brick factory, if we ever sat down to rest the guards would accuse us of trying to pray and we would get written up with a violation or punished."⁵¹ Another said that he was in pain from a severe ear infection in both ears and was sitting with his hands on his ears, which bears a resemblance to a position in Muslim prayer. "My [assigned minder] accused me of praying, even though I was only holding my ears from the pain. He beat me until I lost consciousness. The infirmary refused to treat me, so other prisoners had to help me."⁵² The inmate also said that he was only permitted to wash his hands but not his face, as his minders wanted to prevent him from performing the ablutions required before prayer.⁵³ Another inmate said that in several prisons that he spent time in, the toilets were off limits for one hour after lights out at night and one hour before wake up call to prevent religious prisoners from using them to pray in.⁵⁴

Former inmates said that minders and other informants reported them to prison guards for attempting to observe any religious practice, such as fasting for religious holidays. One said that if guards saw a religious prisoner not eating at mealtime, they would force him to eat by threatening him with a violation or imposing time in a punishment cell. He also said that when he was attempting to observe a fast in prison and took some bread with him to eat later, the guards punished him by taking his bread.⁵⁵ For example, guards who see a prisoner not eating, even if it is because he is ill or not hungry, accuse the prisoner of fasting and issue a rules violation or threaten him with punishment cells to force him to eat.⁵⁶

In 2017, officials at Jaslyk prison told the UN special rapporteur on freedom of religion or belief that they only permit religious practice that does not violate internal prison rules and the strict schedule and acknowledged they do not make any allowances for religious practice. This means that prisoners must pray in bed, without waking others, and the prison refuses to provide additional meals before or after religious fasts or adjust mealtimes to accommodate fasting.⁵⁷

TORTURE AND ILL-TREATMENT

Severe, systematic, and widespread torture has long been a defining feature of the criminal justice system in Uzbekistan in every part of the criminal justice system. Former inmates described pervasive, routine use of torture and ill-treatment in prisons, to instill fear, maintain discipline, and punish perceived infractions. They said that prison staff beat or struck prisoners with truncheons for minor reasons, such as addressing the prison director without permission, looking up during a security inspection, for being in the wrong place, or speaking to a religious or political prisoner without explicit permission. They also beat prisoners in front of others to humiliate them, make an example of them, and warn other prisoners.

Torture of Religious Prisoners

Special status prisoners convicted on religious grounds were singled out for especially harsh treatment and additional control. Former inmates and relatives of inmates said that prison officials view religious people as “enemies of the state,” and “second class citizens,” and were subjected to humiliation, special control, harsh treatment, and torture.⁵⁸ One said “there is no peace” for religious prisoners.⁵⁹ When the guards realize relatives are visiting a religious prisoner they insult them or treat them badly, giving them the last place in line or shortening the length of their visits.⁶⁰ Underscoring that this brutality was official policy, a former prisoner said that “religious prisoners were beaten mercilessly. First the administration beat them, and then the gangs. They threw people around like balls, those scumbags. The gangs were long-term inmates [who worked for the administration].”⁶¹ Another said that “religious prisoners were openly beaten in the corridors and many died in custody.”⁶² One said that when former president Islam Karimov died in 2016, guards in some prisons brutally beat religious prisoners. She said that her brother, who was convicted on religious grounds, was beaten until he was bloodied and lost consciousness. He told her that while they were beating him the guards said, “are you glad our father has died? You killed him!”⁶³

Breaking Prisoners: Arrival and Quarantine

The Mandela Rules specify that upon arrival to a prison prisoners must receive information about the prison regime, rules, and how to access legal services, in a language and manner they understand.⁶⁴ They should also undergo medical screening to assess their health and healthcare needs as well as document signs of torture or ill-treatment,⁶⁵ and have their personal information recorded in a file.⁶⁶ All former inmates interviewed described abusive intake procedures on arrival to a new prison, including torture or other ill-treatment as well as treatment to frighten, degrade and humiliate prisoners. Former pri-

58/ Interviews with Respondent 1, Tashkent, September 26, 2018; Respondent 4, Margilan, September 27, 2018; Respondent 3, Margilan, September 27, 2018; Respondent 5, Margilan, September 27, 2018; Respondent 7, Margilan, September 27, 2018; Respondent 8, Margilan, September 27, 2018; Respondent 11, Andijan, September 28, 2018; Respondent 12, Andijan, September 29, 2018; Respondent 13, Tashkent, September 29, 2018; Respondent 15, Tashkent, October 1, 2018; and Respondent 19, Tashkent, October 3, 2018.

59/ Interview with Respondent 16, Chirchik, October 2, 2018.

60/ Interviews with Respondent 3, Margilan, September 27, 2018; Respondent 5, Margilan, September 27, 2018; Respondent 7, Margilan, September 27, 2018

61/ Interview with Respondent 11, Andijan, September 28, 2018.

62/ Interviews with Respondent 1, Tashkent, October 2, 2018;

63/ Interview with Respondent 7, Margilan, September 27, 2018.

64/ Mandela Rules 54 and 55.

65/ Mandela Rules 7, 8, 30, and 34.

66/ Mandela Rules 7 and 8.

67/ Interview with Respondent 15, Tashkent, October 1, 2018.

68/ Interviews with Respondent 1, Tashkent, October 2, 2018; and Respondent 12, Andijan, September 29.

69/ Interview with Respondent 13, Tashkent, September 29.

70/ Interviews with Respondent 1, Tashkent, September 26; Respondent 8, Margilan, September 27; Respondent 11, Andijan, September 28; Respondent 12, Andijan, September 29; Respondent 13, Tashkent, September 29; Respondent 16, Chirchik, October 2, 2018; Respondent 19, Tashkent, October 3, 2018; and Telephone interview with Respondent 20, July 3, 2019.

71/ Penal Enforcement Code, Art. 87.

72/ Interviews with Respondent 8, Margilan, September 27, 2018; Respondent 9, Fergana, September 28, 2018; and Respondent 15, Tashkent, October 1, 2018.

73/ Interview with Respondent 1, Tashkent, September 26 and October 2, 2018

soners said that on transfer to a prison they were usually stripped naked and required to shower, usually in freezing conditions, and take turn shaving each other's heads with a razor. One said that the razor was usually rusty, and their scalps were shaved until they were raw and bloody, raising serious concerns about the possibility of spreading blood-borne diseases.⁶⁷ The naked prisoners are then required to line up for an inspection or made to line up, spread their legs and bend over, so that each had to "inspect" the one in front. They also said that staff at some prisons forced new arrivals to wash their feet in a dirty toilet or dunked their heads in toilets in front of other prisoners to degrade and debase them in the eyes of other prisoners. Guards sometimes use sexual violence, for example forcing a prisoner to rape another prisoner with a dirty stick, to "lower" him and cause other prisoners to ostracize him.⁶⁸ In addition, former inmates described being tortured on arrival at each new prison. For example, one said that when he arrived at a prison in winter, prisoners were stripped, had water thrown on them, and made to stand outside in the courtyard.⁶⁹ Eight said that when they were transferred to new prisons, they were forced to crawl or walk down a corridor lined with guards on both sides who beat them with truncheons and kicked them.⁷⁰

All prisoners are subjected to a quarantine period on arrival to a new prison. By law, quarantine lasts for 15 days and it ostensibly affords an opportunity for new prisoners to learn the schedule and rules of the facility, while protecting against the spread of infectious disease.⁷¹ In reality, former inmates described the quarantine period as *lomka*, to "break" prisoners. Quarantine cells are usually near the punishment cells, separate from the main prison living areas. Former inmates described quarantine cells as usually overcrowded, sometimes with twice as many inmates as beds so that some inmates had to sleep on the floor.⁷² Conditions in quarantine are poor, with little fresh air or light. Sometimes no bedding is provided, only thin mattresses distributed at night and removed again in the morning. During the quarantine period, inmates have limited or no access to regular prison facilities and spend all day in the quarantine cell, even mealtimes, and may only be allowed out for a brief period of exercise once per day. Prisoners may be kept handcuffed or restrained in stress positions during quarantine. One said that quarantine cells in a prison in Novoi had purpose-built rings in the walls close to the floor to which he was handcuffed throughout his quarantine period.⁷³

All former inmates said that newly-arrived prisoners were kept in quarantine cells with two or three *lokhmachi*—slang for long-term prisoners—who performed tasks or informed on others for the prison administration in return for special privileges. *Lokhmachi* train new inmates to abide by the prison rules and punish infractions by beating new arrivals to instill fear, a sense of isolation, and break inmates' spirits and foster complete submission to the prison regime, no matter how harsh or arbitrary. During quarantine prisoners are required to memorize a set of 10-15 "positions" that they must automatically adopt in response to commands or in particular situations. These positions vary slightly between prisons and over time, but may include things such

as squatting, head bowed; singing the Uzbek national anthem while marching; stating their name, prisoner number, crime, and begging forgiveness of the Uzbek president and people. Inmates in quarantine spend most of their time memorizing and practicing the positions supervised by the *lokhmachi*. The *lokhmachi* impose arbitrary and onerous restrictions to make the task more difficult. Former inmates said that *lokhmachi* refused to let them have their glasses to read the rule booklets, which are available only in Uzbek and not Russian (even though some prisoners may not speak Uzbek), refused to let them touch the booklets, or made everyone turn the pages at the same time. They also said that at some prisons all new arrivals had to sit on stools facing each other at a table with the rule booklets propped against each other in the middle of the table. The *lokhmachi* prohibited them from touching the booklets and beat them if they fell.⁷⁴

74/ Interview with Respondent 15, Tashkent, October 1, 2018.

75/ Ibid.

76/ Ibid.

77/ Interview with Respondent 19, Tashkent, October 3, 2018.

78/ Interview with Respondent 16, Chirchik, October 2, 2018.

79/ Ibid.

Lokhmachi also attempt to destroy solidarity among prisoners. One former inmate said that during quarantine, *lokhmachi* punished a prisoner for making a mistake or violating a rule by beating another prisoner to turn prisoners against each other. He said that because he was the oldest (in his 50s and 60s during his incarceration), he was beaten the most often, to show that Uzbeks' cultural respect and deference to older people had no place in prison.⁷⁵ He said "*lokhmachi* beat me every day in my head and kicked me in my ribs. I could barely breathe."⁷⁶ Another inmate said that he was brutally beaten for trying to protect fellow inmates beaten by *lokhmachi* during quarantine and kept for 35 days instead of the usual 15.⁷⁷

Examples of Prison Positions

Prisoners must adopt prescribed positions automatically in certain situations, for example when undergoing security checks, inspections of cells or barracks, or marching to the canteen. They must also immediately adopt a particular position in response to a command from prison staff that can occur at any time. The number and particulars of the positions vary from prison to prison and over time. One former inmate said that when he arrived at Jaslyk prison 12 positions were in use but later the list grew to 15.⁷⁸ These positions include calling out greetings to the prison warden and other staff; recitations of a prisoner's crimes and begging for mercy from the Uzbek people; marching in formation while singing the national anthem; and dropping to the ground and performing pushups or other exercises until allowed to stop. Lists of positions also include various poses to be used in particular security situations, such as squatting on the heels, hands clasped behind the back and head bowed; standing facing the wall, hands clasped behind the back; or squatting in the tight spaces between bunk beds. The arbitrary use of these positions and other procedures that are ostensibly intended at maintaining security or discipline are used as tools to dehumanize prisoners instead. The former inmate said, "they can make you take the position 1,000 times if they want to. It's a miracle we're alive. We're not human to them [the prison authorities]."⁷⁹ In his book recounting 18 years of imprisonment and brutal torture, journalist and

80/ Bekjan, *On the Other Side of Fear* (2018). This extract is also available online. “Положения’ на зоне Жаслык [‘Positions’ at Jaslyk prison],” Bekjan, *On the Other Side of Fear*, People’s Movement of Uzbekistan, http://uzxalqharakati.com/ru/archives/24267#_ftn1 (accessed May 8, 2019). Other former inmates at Jizzakh noted that the number of positions in use changed and was at times 12, at other times 15. Interviews with Respondent 15, Tashkent, October 1, 2018; Respondent 16, Chirchik, October 2, 2018; and Respondent 19, Tashkent, October 3, 2018.

member of the *Erk* (Freedom) party, Muhammad Bekjan described the 11 positions in use during his time in Jaslyk:

- 1st position:** When the cell door is opened, all prisoners must stand and recite a greeting while holding their right hands on their chests. The prisoner in charge of the cell must inform the officer of the situation in the cell.
- 2nd position:** Prisoners must stand at attention and in chorus praise President Karimov [then-president of Uzbekistan] and the prison warden, publicly repent their crimes, beg forgiveness from President Karimov and the Uzbek people, their parents, brothers, sisters, etc.
- 3rd position:** Before the cell door is opened, on the announcement from the corridor of the third position, prisoners sit with their backs to the door in accordance with the fourth position.
- 4th position:** With eight on the right side of the entrance and eight on the left, prisoners must squat down with their hands on the backs of their necks and their heads bowed.
- 5th position:** Prisoners get out of the fourth position and sit on the floor for five minutes, to rest their legs.
- 6th position:** Prisoners bend one leg and stand on the other.
- 7th position:** Prisoners lift and straighten one leg and stand on the other.
- 8th position:** Search [of prisoners and cell].
- 9th position:** Prisoners must sing the anthem of the Republic of Uzbekistan.
- 10th position:** Prisoners must sing the anthem of the Republic of Karakalpakstan.
- 11th position:** Prisoners must face the wall, raise their hands up, and lean on the wall. This position is used before prisoners exit for exercise or before being taken out to shave their heads or faces.⁸⁰

JASLYK PRISON

The former Jaslyk Prison is located on the site of a Soviet-era chemical weapons testing area in Jaslyk, a remote town in the Autono-

mous Republic of Karakalpakstan, in northwest Uzbekistan and has earned a reputation as Uzbekistan's harshest and most notorious prison. Jaslyk warrants a separate description of its regime and conditions because of its notoriety for its harsh conditions and numerous credible, consistent allegations over the years of torture and inhuman treatment of inmates.⁸¹ In August 2019, President Mirziyoyev issued a decree ordering the closure of Jaslyk and its conversion to a pre-trial detention facility, finally implementing a 2003 recommendation of the UN special rapporteur on torture and other ill-treatment that the government give "urgent consideration" to closing the Jaslyk prison because its very location "creates conditions of detention amounting to cruel, inhuman, or degrading treatment or punishment for both its inmates and their relatives."⁸² Jaslyk was established in 1999 to house an increased number of prisoners arrested on religious and politically-motivated grounds following a bombing in Tashkent that authorities alleged was carried out by religious extremists and members of the democratic secular opposition party Erk (freedom). Six former prisoners interviewed for this report served all or part of their sentences in Jaslyk.⁸³ As of 2017, Jaslyk housed approximately 700 inmates.⁸⁴

Temperatures in the area range from -30 C to +60 C. Visiting requires significant time, expense, and hardship, thus cutting off prisoners from vital contacts with the outside world. Jaslyk is accessible only by train from Tashkent, a journey that takes three days. When visitors arrive, they must pay for accommodation in a guest house while they await their place in line to visit. Prison staff can deny access to visitors arbitrarily and can turn visitors away if the inmate is in an isolation or punishment cell.

An inmate sentenced to more than 15 years in prison on charges related to national security was brought to Jaslyk after his 2013 sentencing and stayed there until his transfer to a prison colony in mid-2019, where he is serving the remainder of his sentence. He described his experience at Jaslyk:

Jaslyk is a terrifying place. I was transferred there [in winter 2014] by train. That day they beat me severely as I entered the building, asking over and over on what charges I was convicted. I recited the charges and in response, they hit me on the head, beating me constantly as we went. They beat me until we got to quarantine. During quarantine, there were inmates, murderers and others, who had nothing to lose. They carried out the orders of the SNB and beat other prisoners. They beat me, demanding that I give names of people in my village [implicated in my alleged crime]. They tied a water bottle to my testicles and my testicles swelled up painfully. So that they didn't kill me, I gave them names of 'criminals' in my village, people who had already died. After 12 days in quarantine, they took me to a cell. I spent [more than five years] in a closed cell. There were 14 of us in the cell, no sunlight, the entire day spent in the cell. Each day we spent one hour in the yard. Autumn and winter it was so cold it was impossible to stand outside for an hour.⁸⁵

81/ See for example, Bekjan, Muhammad, *По Ту Сторону Страхa [On the Other Side of Fear]*, Istanbul, 2018; "Мухаммад Бекжан рассказал о 18 годах и пытках в тюрьме (видео) [Muhammad Bekjan described 18 years in prison and torture (video)]," Ozodlik, March 11, 2017, <https://rus.ozodlik.org/a/28363212.html> (accessed May 8, 2019); "Uzbekistan's 'House of Torture,'" Farangis Najibullah, Radio Free Liberty/Radio Europe, August 5, 2012, <https://www.rferl.org/a/uzbekistans-house-of-torture/24667200.html> (accessed May 8, 2019); "Uzbekistan's 'House of Torture' Is No 'Home Sweet Home,'" Christy Carnegie Fujio and Emily Jennings, Physicians for Human Rights, August 17, 2012, <https://pfr.org/resources/uzbekistans-house-of-torture-is-no-home-sweet-home/> (accessed May 8, 2019);

82/ "Uzbek President Shuts Down Notorious 'House Of Torture,' Prison," Radio Free Europe Radio Liberty, August 5, 2019, <https://www.rferl.org/a/uzbek-president-shuts-down-notorious-house-of-torture-prison/30093031.html> (accessed September 17, 2019). UN Commission on Human Rights, Report on the question of torture: Addendum Mission to Uzbekistan, 3 February 2003, E/CN.4/2003/68/Add.2, p. 24, recommendation (t), available at: <https://www.refworld.org/docid/4090ffc80.html> (accessed May 3, 2019).

83/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 11, Andijan, September 28, 2018; Respondent 16, Chirchik, October 2, 2018; Respondent 15, Tashkent, October 2, 2018; and Respondent 19, Tashkent, October 3, 2018.

84/ UN Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan, February 22, 2018, A/HRC/37/49/Add.2, p. 13, para. 72.

85/ Telephone interview with Respondent 20, July 3, 2019.

87/ Interviews Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 2, Tashkent, September 26, 2018; Respondent 8, Margilan, September 27, 2018; Respondent 4, Margilan, September 27, 2018; Respondent 8, Margilan, September 27, 2018; Respondent 9, Fergana, September 28, 2018; Respondent 11, Andijan, September 28, 2018; Respondent 12, Andijan, September 29, 2018; Respondent 13, Tashkent, September 29, 2018; Respondent 14, Tashkent, October 1, 2018; Respondent 15, Tashkent, October 1, 2018; Respondent 16, Chirchik, October 2, 2018; Respondent 18, Tashkent, October 3, 2018; and Respondent 19, Tashkent, October 3, 2018.

88/ Interviews with Respondent 2, Tashkent, September 26, 2018;

89/ Penal Enforcement Code, art. 109.

90/ Interview with Respondent 1, Tashkent, September 26 and October 2, 2018.

91/ Interview with Respondent 9, Fergana, September 28, 2018.

92/ Interviews with Respondent 12, Andijan, September 29, 2018; Respondent 15, Tashkent, October 1, 2018; and Respondent 19, Tashkent, October 3, 2018. Mandela Rule 22. See also: Association for the Prevention of Torture: Detention Focus, Material Conditions: Food and Water, Disciplinary Sanctions,” https://www.ap.t.ch/detention-focus/en/detention_issues/44/?vg=-1 (accessed June 21, 2018).

DISCIPLINE

While maintaining discipline is a central role of prison authorities and essential for the safety of staff and inmates, in Uzbekistan prison authorities systematically apply the disciplinary system to exact punishment disproportionate to offenses and to punish particular categories of prisoners. The disciplinary system functions with little transparency, allowing authorities complete discretion to apply disciplinary measures disproportionate to alleged infractions. In practice, inmates have no meaningful opportunity to appeal the application of a disciplinary measure or to defend themselves, despite the fact that violations of internal prison rules have implications for prisoners’ prospects of eventual liberty. Inmates can be confined to punishment cells for violations and multiple violations can result in the addition of years to an inmate’s sentence (see Arbitrary Extension of Sentences, below).

Punishment Cells

Punishment cells are used as a disciplinary measure to punish violations of prison rules. Although their use and the types of infractions they are used for are regulated by law,⁸⁶ former prisoners described a system characterized by arbitrariness, in which prison officials use punishment cells to render special category prisoners ineligible for early release or amnesty; prevent them from meetings with relatives, official commissions, or international observers; establish a basis for extending their sentences; and simply to mete out abuse. All former inmates said that prison staff sent them to punishment cells at least four times per year, minimum, as if it were according to a policy and that the disciplinary system and punishment cells were used arbitrarily, harshly, and for minor or fabricated infractions.⁸⁷ Former prisoners gave examples of alleged violations for which they were sent to punishment cells for periods of 3–15 days that included: being out of uniform, not keeping their heads shaved, not having the buttons on their uniform properly fastened, not eating prison food, and being unshaven. Some said they were sent frequently and spent weeks or months at a time every year in punishment cells.⁸⁸ Laws regulating prison discipline allow for confinement in a punishment cell for up to six months at a time for repeat offenders.⁸⁹ One said:

Disciplinary procedures aren’t used for discipline. They are used as a form of control, to keep people in prison indefinitely; to keep other prisoners in fear; and for corruption—the more prisoners there are, the more resources are allocated to the prison, so there is an incentive to keep us in, as the director makes money. You could be sent to a punishment cell for any reason and for no reason. I was once sent for 15 days for being out of uniform. I was wearing my uniform but sitting with three others who were not.⁹⁰

Punishment cells have poor conditions, usually consisting of a cement floor, a metal bunk that folds down from the wall, sometimes a stool,

and a bucket for a toilet. Prisoners are only allowed to use the bed between 10:00 p.m. and 6:00 a.m.; the rest of the time it is folded up and fastened to the wall. Prisoners are not permitted any reading materials for stints in punishment cells that are less than 15 days. Although regulations provide for inmates in punishment cells to have two hours of exercise per day, former inmates reported that exercise was often curtailed completely or limited to very brief walks. One said that he was kept in a punishment cell for 53 days, during which he was allowed outside for 15 minutes a day so he could pick lice out of his clothes.⁹¹ Some prisons provide people in punishment cells with only a half portion of food, although international standards prohibit limiting food as a form of disciplinary sanction and prisons are obligated to provide adequate food to all inmates.⁹² Punishment cells are often unheated and can even be dangerously cold.⁹³ Prisoners in punishment cells are only allowed to wear a thin prison uniform, without warm underclothes or outerwear, and are often deprived of blankets and bedding. One former inmate described one experience in a punishment cell with no glass in the window, barefoot, without bedding, and wearing only a uniform, during an extremely cold winter. He began to hallucinate from the cold and said he thought he would die. After three days, he started refusing meals until he was moved to a cell that had a closed window. He was not examined by a doctor or provided medical treatment after this incident.⁹⁴

Former inmates said that guards beat them on the soles of their feet every day when they were sentenced to punishment cells, a practice some referred to as receiving a “paika” – daily dose or portion.⁹⁵ Stress positions such as squatting or kneeling are sometimes used in punishment cells for hours at a time. One prisoner said that during one episode in a punishment cell he was not permitted to sit down except at night and the guards made him walk up and down the cell for 16 hours per day.⁹⁶ Some punishment cells are little more than boxes, not tall enough for inmates to stand upright in or wide enough for them to lie down in.⁹⁷

Arbitrary Extension of Sentences

For more than 15 years, Uzbekistan has taken measures to keep some inmates, especially perceived government critics and people convicted for religious, security, or political reasons, in prison beyond their original sentences. These practices allowed the government to keep critics locked up and obviated the need to do the hard work of rehabilitating and reintegrating these individuals into society where they might air their grievances. Although these practices are widely referred to by local and international human rights groups as the “extension of sentences,” keeping people in prison past their original sentence relies on prosecution for new crimes.⁹⁸

The most commonly used pretext for bringing a new criminal case against an inmate is article 221 of the Criminal Code, which prohibits insubordination to prison officials, a crime punishable with up to five

93/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 8, Margilan, September 27, 2018; Respondent 9, Fergana, September 28, 2018; Respondent 11, Andijan, September 28, 2018; Respondent 12, Andijan, September 29, 2018; Respondent 13, Tashkent, September 29, 2018; Respondent 15, Tashkent, October 1, 2018; Respondent 16, Chirchik, October 2, 2018; Respondent 18, Tashkent, October 3, 2018; and Respondent 19, Tashkent, October 3, 2018.

94/ Respondent 12, Andijan, September 29, 2018.

95/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 8, Margilan, September 27, 2018; Respondent 9, Fergana, September 28, 2018; Respondent 11, Andijan, September 28, 2018; Respondent 12, Andijan, September 29, 2018; Respondent 13, Tashkent, September 29, 2018; Respondent 15, Tashkent, October 2, 2018; Respondent 16, Chirchik, October 2, 2018; and Respondent 19, Tashkent, October 3, 2018.

96/ Interview with Respondent 16, Chirchik, October 2, 2018.

97/ Interviews with Respondent 13, Tashkent, September 29, 2018;

98/ See for example: “In Uzbekistan’s jails, torture is an everyday occurrence,” *Open Democracy*, translated from *Fergana News*, January 13, 2017, <https://www.opendemocracy.net/en/odr/in-uzbekistan-s-jails-torture-is-everyday-occurrence/> (accessed June 14, 2019); Human Rights Watch, “Until the Very End” – Politically Motivated Imprisonment in Uzbekistan, September 26, 2014, <https://www.hrw.org/report/2014/09/25/until-very-end/politically-motivated-imprisonment-uzbekistan> (accessed June 14, 2019)

99/ Criminal Code of the Republic of Uzbekistan, art. 221, <http://lex.uz/ru/docs/111457> (accessed June 14, 2019).

100/ UN Human Rights Committee (HRC), Concluding observations on the fourth periodic report of Uzbekistan, 17 August 2015, CCPR/C/UZB/CO/4, para. 17, available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsj07MIYG-KLOROJAcDdFOt9808e6JD3r7xmvJ-kjv%2fU4eALL98u%2bUPA9ZF%2f7ioTjANp-NqM97G9FBWOvdwxBqilbCRihLbNoG-tX%2bfrut5yexTUj> (accessed June 14, 2019).

101/ Article 112 of the Penal Enforcement Code specifies that two serious violations of the prison regime render an inmate a “pernicious violator,” but respondents for this report all said that generally three violations of the prison rules, not necessarily serious ones, are used to form the basis for an extension of sentence under article 221.

years in prison.⁹⁹ Authorities can also bring new criminal charges against inmates on other grounds, such as possession of allegedly extremist or banned literature. Of the 19 people whose cases are described in this report, 16 had additional years added to their original sentence through a new prosecution, in all but two cases for article 221 violations. Some of them received additional sentences more than once. In both types of cases, prosecutions to extend sentences lack all hallmarks of fair trial or due process. The UN Human Rights Committee has called on the government to ensure that article 221 is not applied arbitrarily, to respect due process rights, and observe the principle of proportionality in sentencing. After its most recent periodic review of Uzbekistan, the UN Human Rights Committee expressed concern about

*the alleged practice of arbitrarily extending the soon-to-be-completed prison sentences of human rights defenders, government critics and persons convicted of religious extremism or of membership in Islamic movements banned in the State party by prosecuting and convicting such prisoners for repeated violations of the prison rules under article 221 of the Criminal Code.*¹⁰⁰

Former prisoners refer to the extension of sentences, especially article 221 prosecutions, as “getting spun.” They and relatives of people in prison gave consistent accounts of the circumstances under which these extensions occur. Toward the end of an inmate’s sentence, as his release date approaches, an inmate is written up for three disciplinary violations, one after the other, each punished by 15 days’ in a punishment cell. The violations are often extremely minor—even absurd— or completely fabricated, such as failure to be in prison uniform in a designated area; being caught lying down between the hours of 6 a.m. and 10 p.m.; or being unshaven. All respondents emphasized that whether or not a violation actually occurred does not matter because prison staff will create the necessary paper trail to show violations even if they were manifestly fabricated, for example issuing a violation for not showing up for work even when the prisoner had the day off, or for being absent from morning exercises even though the prisoner was at an approved overnight family visit. Once an inmate has three such violations in a year he is deemed a serial violator of the prison rules and subject to prosecution under article 221.¹⁰¹ The inmate is taken to court and tried summarily, often without notice or the opportunity to inform his relatives, observers, or seek independent legal assistance leaving him unable to mount a meaningful defense. The 14 cases of article 221 sentences analyzed for this report resulted in sentences of three to five years additional prison time. In addition to adding years of incarceration, such prosecutions tarnish inmates as recidivists that make them ineligible for the country’s periodic prisoner amnesties or result in sentences that are too long to qualify for amnesty.

A particularly cruel element of this practice is that the extensions occur just weeks or even days before a prisoner is set to be released, often when he has been allowed to grow his hair (inmates must shave their heads) and notify his relatives that he is coming home. Once a

prisoner receives a new sentence, he is automatically transferred to a new prison after spending several weeks or months on remand in a SIZO. There does not appear to be any system in practice by which prison officials notify inmates' relatives of these transfers or the location of the inmate's new prison. This has resulted in relatives not knowing of their relatives' whereabouts for months, effectively incommunicado detention. Relatives have often arrived for a scheduled visit only to find that their loved one is not there and that the prison officials can offer no information as to his whereabouts. Only once prisoners arrive at their new prison after transfer and quarantine are they able to inform their relatives by letter of their new sentence.

Former prisoners reported that since 2017 the practice of extension of sentences under article 221 has reduced significantly or stopped, possibly in recognition that the practice is manifestly arbitrary and violates fundamental standards of fairness and proportionality.¹⁰² In March 2019 the government told Human Rights Watch that it had ceased using article 221 to extend prison sentences.¹⁰³ However, the government has not taken remedial action or any steps to review the sentences of those previously prosecuted under Article 221 who remain in prison or prisoners who have no meaningful recourse to contest their sentences.

102/ Interview with Respondent 8, Margilan, September 27, 2018; focus group discussion with two respondents, Warsaw, July 2019.

103/ Human Rights Watch, World Report – 2019 Uzbekistan, January 2019, <https://www.hrw.org/world-report/2019/country-chapters/uzbekistan> [accessed September 23, 2019].

104/ Monitoring Place of Detention, 2002, p. 15.

PROTECTION MEASURES

Persons deprived of their liberty have limited ability to influence their circumstances and depend on the state to provide for their basic needs. They are especially vulnerable to torture and other ill-treatment. The protection of persons deprived of their liberty depends on three fundamental pillars: a national legal framework that incorporates the protection standards for detained persons enshrined in international law; the effective implementation of that framework; and effective monitoring of its implementation.¹⁰⁴

Lack of Independent Monitoring Mechanisms

There is ample reason for serious concern about the sufficiency of the national legal framework for the protection of detained persons and its implementation, although Uzbekistan has recently initiated some reforms in these areas. However, leaving aside those issues, Uzbekistan also lacks effective monitoring. Effective monitoring should be carried out through judicial control, internal inspection services, official independent monitoring bodies, and independent public monitoring by NGOs and the media. Respondents described an inadequate system of protection measures that is, at best, routinely violated. At worst, prison officials deliberately and systematically violate measures in place to protect prisoners' rights. The judiciary is notoriously weak and lac-

105/ Submission of Sergei Mayorov to the UN special rapporteur on the independence of judges and lawyers, Tashkent, September 20, 2019. At the time of writing the submission had not yet been posted on the website of the Office of the High Commissioner for Human Rights. A copy of the submission is on file with the authors.

106/ Ibid.

107/ "Uzbekistan: ICRC decides to terminate visits to detainees," ICRC News Release 13/64, April 12, 2013, <https://www.icrc.org/en/doc-resources/documents/news-release/2013/04-12-uzbekistan-detainees.htm> (accessed April 30, 2019).

108/ HRC. Concluding observations on the fourth periodic report of Uzbekistan, 17 August 2015, CCPR/C/UZB/CO/4, para. 18 (a), available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRi-CAqhKb7yhsjO7MIYGKLOOR0JAcD-dFOt9808e6JD3r7xmvJkqv%2fU4eAL-L98u%2bUPA9ZF%2f7ioTjANpNqM97G9FB-WOvdwxBqilbCRihLbNoGtX%2bfrut5yexTUj> (accessed June 14, 2019).

109/ "International roundtable discussion on national preventive mechanism," Ombudsman for Human Rights of the Republic of Uzbekistan, May 31, 2018, http://www.ombudsman.uz/en/press_center/events/international-roundtable-discussion-on-national-preventive-mechanism/ (accessed April 30, 2019). Uzbekistan is not a signatory to the Optional Protocol to the Convention Against Torture which seeks to establish a system of visits by national and international bodies to places of detention and foresees the creation of national preventative mechanisms. See: UN General Assembly, Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, 9 January 2003, A/RES/57/199, available at: <https://www.refworld.org/docid/3de6490b9.html> (accessed April 30, 2019).

king independence, generally operating as an extension of the executive. In a submission to the UN special rapporteur on the independence of judges and lawyers, who conducted a country visit to Uzbekistan in September 2019, a well-regarded Tashkent lawyer described judges as bound by the rules set by law enforcement and unable to act independently.¹⁰⁵ The submission states that judges are generally bound by the decisions of prosecutors and law enforcement agencies, must clear their verdicts and rulings in advance with those above them, do not investigate or take into account credible allegations of torture or other violations, or exclude illegally obtained evidence.¹⁰⁶ Uzbekistan also lacks any independent monitoring bodies with the authority to monitor places of detention and has had no independent international monitoring in place for years. In 2013 the International Committee of the Red Cross (ICRC) issued a rare public statement announcing the termination of its visits to detainees in Uzbekistan, citing interference with its standard working procedures rendering visits "pointless."¹⁰⁷ In 2015, the UN Human Rights Committee called on Uzbekistan to establish an independent system for regular prison monitoring "as a matter of priority" as well as to allow for effective monitoring by independent organizations.¹⁰⁸ The Ombudsman's office initiated draft legislation on the creation of a national preventative mechanism (NPM) and on strengthening parliamentary oversight of prisoners' rights.¹⁰⁹ A watered down version of the bill was passed in March 2019, creating an "Ombudsman+" mechanism, rather than a fully-fledged NPM, which grants the Ombudsman the authority to undertake preventative monitoring visits to places of detention in partnership with civil society representatives, although the group of experts from civil society have not yet been integrated into the mechanism.¹¹⁰ Neither NGOs nor journalists have independent access to monitor places of detention.

Outside of any monitoring body, there are also no independent mechanisms to investigate cases of alleged torture or ill-treatment in any context, including in places of deprivation of liberty, other than by initiating a criminal complaint, which is unreasonably burdensome for prisoners and exposes them to risk of retaliation from prison authorities.

Inspections and Visits

In addition to formal monitoring bodies, visits and inspections of places of detention by groups or individuals also serve a protective function. Respondents said that such visits do occur occasionally, albeit on restricted terms. For instance, diplomats and human rights defenders are occasionally granted access to visit individual prisoners but are generally accompanied by prison officials and rarely, if ever, have the opportunity to speak with inmates in private. Such visits usually occur in the designated visitors' rooms and only with a specific inmate and are not inspections of the prison itself.¹¹¹ Other visits and inspections have been carried out on a regular basis by the ICRC (until 2013) as well by various official commissions, such as the Ombudsman's office. Respondents said that when the ICRC was conducting visits, the pri-

son administration took steps to hide abusive practices and prevent people convicted on religious or political grounds from speaking to ICRC representatives. Five former inmates said that they were regularly transferred to punishment cells or even SIZOs outside the prison to prevent them from meeting with the ICRC.¹¹² Former inmates also said that guards or other officials threatened or used violence so that inmates would not complain or tell the truth to the ICRC or any organization inspecting or visiting the prison, often invoking the phrase “they will leave, but you have to stay behind,” with the implication that anyone who spoke out risked consequences.¹¹³ A former inmate said that in advance of a visit from the Ombudsman in 2017, guards gathered all the inmates together and pulled two to the front and beat them to show the others “what would happen to us if we complained.”¹¹⁴

Prison officials occasionally made small improvements in advance of official visits or inspections or as a result of them, such as installing tiles on the floor of the shower room and allowing inmates to go outside and access books.¹¹⁵ One inmate said that in advance of the much-touted visit of the UN special rapporteur on freedom of religion or belief to Jaslyk prison, the first visit of a UN special mandate to Uzbekistan in 15 years, officials installed benches in the yard “to give the impression we have freedom of movement and can go sit on them.”¹¹⁶ Even weak inspection measures, such as government commissions, appear to serve some protective purpose. One former inmate said “Fridays to Sundays are the worst in prison because no official inspections occur, and no commissions visit. So, this is the most lawless time.”¹¹⁷ Most significantly, commissions and inspections by either Uzbek or international bodies do not appear to investigate the complaints made by inmates thoroughly and independently and provide remedy, even where inmates make credible allegations of serious abuses such as torture or the unlawful extension of their sentences. For example, one inmate said that he made many detailed complaints about torture during the five years he spent at Jaslyk but they were never investigated. He said that a quasi-governmental commission consisting of representatives of the Ombudsman, Prosecutor General, Youth Union, and GUIN visited Jaslyk in 2017 and he complained of torture in prison as well torture, incommunicado detention, and serious due process violations that had occurred during his trial in a closed court. The commission apparently took no action to investigate and he continues to serve the 10 remaining years of his sentence.¹¹⁸

Complaints Procedures

Although formal complaint procedures exist, former inmates said the complaints mechanisms were ineffective. Complaints sent by prisoners are not registered in a transparent procedure and inmates do not receive any notification that their complaints are received or if any action is taken. One said he never bothered trying to complain because it is “pointless.”¹¹⁹ Some alleged that the complaints were never sent anywhere or were directly confiscated by prison officials.¹²⁰ One former inmate said he folded up a candy wrapper and slipped it into the

110/ “IN DIALOGUE WITH UZBEKISTAN, COMMITTEE AGAINST TORTURE EXPERTS URGE EFFECTIVE IMPLEMENTATION OF LEGISLATION AND FURTHER INVESTIGATIONS INTO RIGHTS VIOLATIONS,” UN Committee Against Torture review of Uzbekistan, November 13, 2019, [https://www.unog.ch/80256ED-D006B9C2E/\(httpNewsByYear_en\)/43F7BB-0D7AF46B5AC12584B1006376DE?OpenDocument](https://www.unog.ch/80256ED-D006B9C2E/(httpNewsByYear_en)/43F7BB-0D7AF46B5AC12584B1006376DE?OpenDocument) (accessed November 26, 2019).

111/ Interview with Respondent 9, Fergana, September 28, 2018;

112/ Interviews with Respondent 9, Fergana, September 28, 2018; Respondent 11, Andijan, September 28, 2018; Respondent 12, Andijan, September 29, 2018; Respondent 15, Tashkent, October 1, 2018; and Respondent 19, Tashkent, October 3, 2018.

113/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 8, Margilan, September 27, 2018; Respondent 9, Fergana, September 28, 2018; Respondent 15, Tashkent, October 1, 2018; and Respondent 19, Tashkent, October 3, 2018.

114/ Interview with Respondent 13, Tashkent, September 29, 2018.

115/ Interview with Respondent 4, Margilan, September 27, 2018.

116/ Interview with Respondent 1, Tashkent, September 26 and October 2, 2018.

117/ Interview with Respondent 18, Tashkent, October 3, 2018.

118/ Telephone interview with Respondent 20, July 3, 2019.

119/ Interview with Respondent 2, Tashkent, September 26, 2018.

120/ Interviews with Respondent 4, Margilan, September 27, 2018; Respondent 9, Fergana, September 28, 2018; Respondent 12, Andijan, September 29, 2018

121/ Interview with Respondent 13, Tashkent, September 29, 2018.

122/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; and Respondent 4, Margilan, September 27, 2018.

123/ Interview with Respondent 9, Fergana, September 28, 2018.

lock on the mailbox into which prisoners could deposit their complaints. The wrapper stayed there for months, indicating that the box was never even unlocked.¹²¹ Two people said that they experienced reprisals for complaining or attempting to complain, including being sent to punishment cells and to stricter security regime prisons.¹²²

Occasionally inmates who made direct complaints to the prison administration or to international observers achieved small, concrete improvements to their circumstances as a result. These improvements were nearly always made only with respect to the inmate who had complained and did not result in broader changes for all inmates or address systemic problems. For example, a former inmate who received an official visit from a representative of a rights organization complained that he only received 1.5 liters of water per day. He said that after the visit, he received 10 liters per day.¹²³

DAILY REGIME AND ACTIVITIES

Prisons in Uzbekistan are overwhelmingly punitive rather than rehabilitative. They offer little or nothing in the way of education, social, or cultural opportunities, save for mandatory propaganda lectures, limited access to television, reading materials, and the occasional holiday event or football match. Contacts with the outside world, including through visits, letters, and phone calls, are highly restricted. Although schedules vary between institutions and depend on what shift an inmate works, the following is a typical schedule in a dormitory-type prison:

6:00 a.m. Wake up, make bed, toilet

6:10 a.m. Exercises

7:00 a.m. Breakfast

8:00 a.m. Work

9:00 a.m. Security check/prisoner count

Day time: Clean yard/work, security check

6:00 p.m. Return from work, dinner

7:00–9:00 p.m. Evening lecture on morals and anti-extremism, which occurs several days per week. The lecture usually only lasts about 10 minutes but starts at an unpredictable time so inmates must sit or squat quietly in their dormitories to wait. Security check.

9:00–9:30 p.m. Free time to watch television

9:30–10:00 p.m. Get ready for bed

10:00 p.m. Lights out

Former inmates complained that the prison schedule gives them virtually no free time and does not provide sufficient time to take care of even basic personal needs. Prisoners who work have one day off per week, during which they spend several hours cleaning the prison grounds and must also attend to their personal needs, such as laundry. They described not just a regimented schedule but a life fully under control of the often-arbitrary prison regime, and the whims of prison staff. One said, “we could be given any command at any time, without warning—to have a fire drill, or to read lectures about behavior, drop what we are doing and clean the yard.”¹²⁴ This total control and constant brutal arbitrariness amounts to a form of degrading ill-treatment where prisoners are not afforded the dignity to engage in even basic needs. A former inmate said, “The lack of any personal time, even for necessities, is also a kind of humiliation. When can you shave or wash your clothes?”¹²⁵ Another former inmate who spent time in a prison with limited access to water said that even after the use of torture as a form of discipline abated slightly after Mirziyoyev came to power in 2017, the culture of degrading and cruel treatment persisted: “They found other ways to pressure us and keep us under control. Sometimes they would turn off the water at 6:05 a.m., even though we were only allowed to get out of bed at 6:00 and were required to make our beds before washing, so we had no real chance to wash.”¹²⁶

In addition to beatings, former inmates described abusive practices at every prison, intended as ill-treatment to punish, humiliate, or harm inmates, as well as petty practices just to make prison life unnecessarily unpleasant. For example, prison staff call inmates to the director’s office during a meal or in the middle of the night and make them wait in the corridor for a long time, and then send them away again, so the inmate misses a meal or is deprived of sleep.¹²⁷ Some former inmates also said that prison staff sometimes change frequently when prisoners watch television so they can never see an entire film, concert, or football match.¹²⁸

Former inmates also noted that even when they did get a few moments to watch television, most prisons allowed only Uzbek channels and did not allow any news or information programs, only concerts, films, or occasionally football, further contributing to prisoners’ sense of isolation from the outside world. Similarly, many prisons allow only Uzbek newspapers or periodicals and prohibit any political content, allowing only football newspapers, popular magazines, and the like.¹²⁹ One former inmate said, “anyone who requested the news was beaten,”¹³⁰ though two others noted that since Karimov’s death, some prisons have begun to loosen restrictions on inmates receiving political information and news.¹³¹ Former inmates reported that while all prisons have libraries, not all prisoners have access to them and libraries do not have updated and practical materials. Three former inmates articulated a need for prison libraries to include study guides, and technical and professional literature that inmates could use to maintain or develop knowledge to prepare them for working life outside prison.¹³²

124/ Interview with Respondent 1, Tashkent, September 26 and October 2, 2018.

125/ Interview with Respondent 12, Andijan, September 29, 2018.

126/ Interview with Respondent 1, Tashkent, September 26 and October 2, 2018.

127/ Interview with Respondent 12, Andijan, September 29, 2018.

128/ Ibid and interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 15, Tashkent, October 1, 2018; and Respondent 19, Tashkent, October 3, 2018.

129/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 12, Andijan, September 29, 2018; At several prisons, including Novoi, Karaul-bazar, and Jaslyk, prisoners had no access to television, only radio.

130/ Interview with Respondent 12, Andijan, September 29, 2018.

131/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018, and Respondent 19, Tashkent, October 3, 2018.

132/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 2, Tashkent, September 26, 2018; and Respondent 13, Tashkent, September 29, 2018.

133/ Mandela Rules 23.1 and 23.2.

134/ Respondent 1, Tashkent, September 26 and October 2, 2018

135/ Respondent 1, Tashkent, September 26 and October 2, 2018

136/ Mandela Rule 59.

137/ Interview with Respondent 15, Tashkent, October 1, 2018.

138/ Interview with Respondent 11, Andijan, September 28, 2018.

139/ Interview with Respondent 16, Chirchik, October 1, 2018.

140/ Interviews with Respondents 3, Respondent 3, Margilan, September 27, 2018; Respondent 5, Margilan, September 27, 2018; Respondent 7, Margilan, September 27, 2018; Respondent 8, Margilan, September 27, 2018; Respondent 9, Fergana, September 28, 2018; Respondent 15, Tashkent, October 1, 2018; and Respondent 19, Tashkent, October 3, 2018.

Access to fresh air and exercise is important to maintaining good health and international standards require that prisoners not employed in outdoor work have access to at least an hour of fresh air and exercise, and that prisons provide suitable space and equipment for recreation and physical training.¹³³ Former inmates describe erratic exercise practices, with some prisons allowing walks of just 10–15 minutes per day, and other prisons requiring prisoners to march around the yard in lockstep formation for an hour or more at a time, often while singing the Uzbek anthem. One former inmate said that marching was also required during the summer months, with temperatures reaching 40 degrees Celsius or higher (104 Fahrenheit) and prisoners wearing heavy boots. “If anyone fell out of step or stopped for water, they made us march another hour.”¹³⁴

Prisons hold unannounced security drills and inspections. While these can undoubtedly serve a legitimate purpose, former inmates described practices that appear intended to harass prisoners rather than contribute to the security or safety of the institution. For example, prison staff can call out “fire!” at any time, and prisoners are required to run to their beds, roll up their mattresses and run 100 meters out the building. If they do not make it in time, a fire truck sprays the barracks, soaking bedding and other possessions. Staff could also call a security alarm, which requires all inmates to lie face down on their beds for an hour or more while staff inspect the cells or dormitories.¹³⁵

CONTACTS

Although contact with the outside world comprises an essential role in rehabilitation, visits and phone calls with family and friends are strictly regulated and limited to just a few per year, effectively cutting prisoners off from their loved ones and the rest of society. The exception to this is colony settlements where prisoners can work offsite and have access to mobile phones. While international standards require that prisoners be assigned to institutions close to their homes to facilitate contact with their families, which is essential for rehabilitation¹³⁶, respondents said that they or their relatives were housed in prisons hundreds of kilometers from their homes. For example, one respondent from Tashkent who spent nearly ten years in prison, served his sentence at Jaslyk prison (see below), 1,400 kilometers away and in Karshi, 450 kilometers away.¹³⁷ Another respondent, from Andijan, in eastern Uzbekistan, spent more than eight years in Jaslyk, in the north west of the country, 1,700 kilometers away.¹³⁸ Among respondents for this report, proximity to home while in prison was the exception, not the rule. Only one former prisoner interviewed served a significant portion of his sentence close to home.¹³⁹ This practice creates hardship on both prisoners and their families and disproportionately affects poor families. Families incur significant time and expense to visit loved ones in prison and to send food and other necessities, and some families cannot afford to send packages or visit as often as allowed.¹⁴⁰

It also affects prisoners' access to legal assistance since their lawyers are usually located in their home cities and not the cities where they are incarcerated.

Difficulty in maintaining contact with relatives and friends is compounded by restrictions on phone calls and letter writing. These limitations do not appear to serve any legitimate, non-punitive purpose and only isolate inmates from the outside world and healthy contact with loved ones. Some respondents said they were only allowed to use a pen and paper on Sundays and only to write a letter home. They said they received a single sheet of paper so they could only write one letter. This arbitrary restriction also curtailed their ability to maintain contact with others, such as friends or community members, as well as with their lawyers, human rights defenders, or outside organizations. Letters are subject to strict censorship. Former prisoners said that prison authorities did not allow mention of prison conditions, torture or ill-treatment, legal issues related to their cases, their personal health or state, or other potentially sensitive topics. "The censors wouldn't even allow words like 'uncle' to be used in case that was a code to refer to the prosecutor."¹⁴¹

141/ Interview with Respondent 1, Tashkent, September 26 and October 2, 2018.

142/ Interviews with Respondent 3, Margilan, September 27, 2018; Respondent 4, Margilan, September 27, 2018; Respondent 5, Margilan, September 27, 2018; Respondent 7, Margilan, September 27, 2018; Respondent 8, Margilan, September 27, 2018; Respondent 11, Andijan, September 28, 2018; Respondent 12, Andijan, September 29, 2018; and Respondent 19, Tashkent, October 3, 2018.

Type of facility (from least strict to strictest)	Living arrangements	Visits per year	Parcels per year	Telephone calls per year	Notes
Colony settlement	Dormitory	Unlimited	Unlimited	Unlimited	Inmates are permitted to work offsite.
General Regime Colony	Dormitory	Four short, four long	Six	Six	
Strict Regime Colony	Dormitory	Three short, three long	Four	Four	
Special Regime Colony	Cells	Two short, two long	Three	Three	
Prison	Cells	Two short, one long	Two	Two	

Visits and Treatment of Relatives

Former inmates and the relatives of inmates all emphasized that prison administrators generally treat families of prisoners poorly and in a way that exacerbates their suffering. In particular, relatives of people convicted for religious or political reasons said that prison staff accord them the last place in line or shorten their visits arbitrarily.¹⁴² Administrations do not provide timely information to families about prisoners' whereabouts, resulting in relatives arriving at prisons, often

143/ Interviews with Respondent 5, Margilan, September 27, 2018; Respondent 7, Margilan, September 27, 2018; Respondent 9, Fergana, September 28, 2018; Respondent 11, Andijan, September 28, 2018; Respondent 12, Andijan, September 29, 2018; and Respondent 15, Tashkent, October 1, 2018.

144/ Interview with Respondent 14, Tashkent, October 1, 2018.

145/ Interviews with Respondent 8, Margilan, September 27, 2018; and Respondent 5, Margilan, September 27, 2018.

146/ “СПЛОШНОЙ СИФИЛИС”. О КОМНАТАХ ДЛЯ СВИДАНИЙ В ТАВАКСАЙСКОЙ КОЛОНИИ [‘Syphilis everywhere.’ Regarding the Visit Rooms at Tavaksai Prison,” *AsiaTerra*, April 29, 2019, http://www.asiaterra.info/news/sploshnoj-sifilis-o-komnatakh-dlya-svidanij-v-tavaksajskoj-kolonii?fbclid=IwAR1XW7EApQ1jTevJTeYnk23p-NqIN5liL7_twN3nGd-huaGQ1DQjr8ZXLNXk (accessed June 15, 2019).

147/ Penal Enforcement Code, Art. 7

148/ Mandela Rules 96–103.

149/ Interview with Respondent 2, Tashkent, September 26, 2018.

150/ Interviews with Respondent 4, Margilan, September 27, 2018; Respondent 5, Margilan, September 27, 2018; Respondent 9, Fergana, September 28, 2018; Respondent 12, Andijan, September 29, 2018; Respondent 13, Tashkent, September 29, 2018; and Respondent 15, Tashkent, October 1, 2018. The Mandela Rules specify that a physician must determine the fitness of inmates to work. Mandela Rules, Rules 30 (e) and 96.

far away from their homes, only to find that their loved one has been transferred, is in the infirmary, or is in a punishment cell and is unavailable for a visit. Sometimes administrators simply tell relatives that the prisoner is no longer at the prison, and relatives must wait for weeks or months to find out, for example, that the prisoner has received a new sentence or has been transferred.¹⁴³ The visiting system is badly organized and there are insufficient visiting rooms to accommodate overnight family visits, requiring relatives to appear in person to take a place in line to visit a prisoner, a system that causes particular hardship for those traveling with young children and the elderly. The line can last several days, during which the relatives must pay for accommodation and food, and relatives can be turned away even after waiting for days. A former inmate said that prison officials coerced him to sign papers they had prepared but did not let him read by showing him through a peephole that his mother had arrived for a visit and threatening him that if refused, his mother would suffer.¹⁴⁴

Visitors must pay a daily fee to use family visiting rooms. These rooms are usually in a separate building, away from cell blocks or dormitories, sometimes near or in the same building as the administration. Visit rooms are grouped off a common corridor and visitors have access to a shared kitchen for preparing meals, as well as to separate toilets and bathrooms for men and women. The conditions of family visit rooms range in quality and are often quite poor, with relatives and former inmates complaining of unsanitary conditions. Although some said that conditions of family visit rooms have improved slightly in recent years, these improvements have not been universal.¹⁴⁵ A media outlet published the account of a woman who took her daughters to visit her husband at a prison near Tavaksai, in the Tashkent region, in May 2019 who said that the visit rooms and kitchen were dirty; mattresses and bedding torn, soiled, and infested with fleas; the bathrooms had broken faucets; and the kitchens did not have enough cooking implements for all families to use them.¹⁴⁶

PRISON WORK

Uzbekistan’s Penal Enforcement Code specifies that socially-useful work is a core component of correction of criminals.¹⁴⁷ The Mandela Rules also establish that work for prisoners should allow them to maintain or increase their ability to earn a livelihood after their release, that to the extent possible, prisoners should be able to choose their prison jobs, and that prisoners are afforded normal safety protections and equitable pay.¹⁴⁸ Most respondents said that they or their relatives were expected to work in prison except in facilities with the highest security levels where prisoners are confined to cells. One said that refusing to work was considered a serious violation that would result in severe punishment.¹⁴⁹ Respondents also said that prison officials assigned inmates to work with little regard to their fitness or health and with no possibility to choose job assignments.¹⁵⁰ Even prisoners

in poor health or those suffering the consequences of torture or other ill-treatment had to perform heavy labor, such as working in prison factories. Although refusing to work is a punishable offense, officials also withheld the right to work from certain inmates, ostensibly as punishment for breaking prison rules. One former inmate said he worked as the foreman of a prison furniture factory for the first five years of his imprisonment but was not permitted to work for the many remaining years of his imprisonment because the administration labeled him a “malicious violator” of prison rules. He alleged that he received this label after submitting complaints about his case.¹⁵¹

Some prisoners receive special treatment in work assignments. One former inmate was permitted to work as an architect in prison. This alone was considered a privilege, since most inmates, even those who entered prison with specialized skills or training, are assigned to manual labor. The former inmate, who was convicted on non-political or religious grounds, described enjoying special privileges connected to his work as an architect, such as better treatment from prison staff, access to the prison director, the ability to move about the prison grounds with few restrictions and little or no supervision, and even a private office to work in that he could lock.¹⁵² He also said that he was able to use this status to propose renovation projects to the prison administration and during his incarceration he convinced the administration to update plumbing, allow him to build a fountain, and renovate the rooms used for family visits using money collected from each prisoner.¹⁵³ However, such special privileges and assignments are rare. Former inmates, including the prison architect, acknowledged that people convicted on politically-motivated or religious grounds do not have access to such jobs or even less strenuous assignments, such as working in the kitchen or library, and are far more likely to be assigned heavy manual labor.

Lack of safety equipment

Former inmates said they wore an old set of clothes for work, but that new arrivals, who had only received one set of clothes, had nothing to change into when their clothes became dirty from working in them. Former inmates and relatives of inmates said that prisoners who work do not receive special uniforms or protective gear such as face masks, heavy footwear, aprons, or gloves, even for dangerous factory or construction work. Eight former inmates interviewed worked in prison brick factories and two additional respondents have relatives who currently work in such factories, work that involves hauling heavy materials, mixing clay, molding bricks, laying them to dry, and burning them in kilns or ovens, and loading finished bricks. They described it as dirty, hot, and dangerous work. One said that inmates referred to the brick factory as “the death chamber.”¹⁵⁴ They did not receive any protective gear. One former inmate said, “We only got masks when ICRC visited.”¹⁵⁵ They said some tied handkerchiefs over their faces to try to protect themselves from breathing the dust, and some had their relati-

151/ Interview with Respondent 1, Tashkent, September 26, 2018.

152/ Interview with Respondent 18, Tashkent, October 3, 2018.

153/ Ibid.

154/ Interview with Respondent 12, Andijan, September 29, 2018.

155/ Interview with Respondent 13, Tashkent, September 29, 2018.

156/ Interview with Respondent 12, Andijan, September 29, 2018.

157/ Interview with Respondent 1, Tashkent, September 26 and October 2, 2018.

158/ Interview with Respondent 14, Tashkent, October 1, 2018.

159/ U.S. State Department Annual Human Rights Report 2017: Uzbekistan, <https://www.state.gov/j/drl/rls/hrrpt/2017humanrightsreport/index.htm#wrapper> (accessed May 9, 2019).

160/ Mandela Rule 3.

161/ Mandela Rule 42.

ves send them face masks or other gear as part of their allotted parcels. "It really was a death chamber. It was so dusty you couldn't see a meter in front of you. We had to breathe in the dust and got sores on our skin. It was so noisy I lost partial hearing in my left ear due to noise."¹⁵⁶

Underpayment and Corruption

Despite grueling work, and harsh and even dangerous working conditions, prisoners are grossly underpaid. For example, prisoners in colony No. 6 in the Pap district of Namangan region receive 50,000 soum per month (approximately US \$5.80 US) for producing rubber boots, exposing them to hazardous dust and fumes. The mother of prisoner in penal colony No. 82 in the Sherabad district of the Surkhandarya region said his monthly salary for full-time work in a brick factory was 40,000 soum (approximately US \$4).

Two prisoners alleged serious and systematic corruption in the payment system for prison work. They said that wages are less than required by law and that they regularly received less than they earned. Pay slips are handwritten and therefore easy to manipulate. For example, one former inmate said that his monthly salary for work in a prison factory was supposed to be 30,000 soum per month (currently worth approximately US \$3.50). However, he said he regularly received just 300 soum, because it was easy for the administration to omit the zeros.¹⁵⁷ Another similarly said that he received only a fraction of the money he earned because of manipulation of handwritten pay slips.¹⁵⁸

MATERIAL CONDITIONS INHUMAN, DEGRADING, AND USED TO PUNISH PRISONERS

Poor and abusive conditions in Uzbekistan's prisons have long been a subject of international concern. A 2017 US State Department Human Rights Report said, "Prison conditions were in some circumstances harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care."¹⁵⁹ All respondents described poor, inadequate, and often abusive material conditions of detention, in pre-trial detention and in all types of prisons, although with some variation between institutions and over time. The descriptions attest not to conditions that not only resulted from underfunding and corrupt management but also appear to be so poor as to be deliberately punitive, in violation of international standards. The Mandela Rules prohibit prisons from "aggravate[ing] the suffering" inherent to imprisonment, except as is required to maintain discipline.¹⁶⁰ The Mandela Rules also specify that rules concerning material conditions, including light, air, food, temperature, access to exercise, and hygiene, apply to all prisoners without exception. This

prohibits the imposition of deliberately poor or inadequate material conditions such as the restriction of food or exposure to extreme temperatures, as a form of disciplinary sanction.¹⁶¹

162/ Mandela Rule 22.

163/ Interview with Respondent 8, Margilan, September 27, 2018.

164/ Interviews with Respondent 16, Chirchik, October 2, 2018;

165/ Interview with Respondent 1, Tashkent, October 2, 2018.

166/ Interview with Respondent 1, Tashkent, September 26, 2018.

167/ Interviews with Respondent 13, Tashkent, September 29, 2018; and Respondent 19, Tashkent, October 3, 2018.

Food and Water

The Mandela Rules specify that all prisoners should receive wholesome food, adequate for their health and strength and as much drinking water as needed.¹⁶² Respondents universally described prison food as bland and of poor quality, referring to it with the slang *balanda* (gruel). Meals consisted of porridge, bread, and thin soup. Inmates said they rarely received fresh fruits or vegetables. Several former inmates recounted occasionally receiving spoiled meat. Several respondents said that food had slightly improved in recent years and noted specifically that they began to receive a boiled egg for breakfast for the first time. Prior to 2016 they said that only inmates on a special medical diet got half an egg.

Inmates also said that portions were meager or insufficient. One said “we received enough so we didn’t die, but we lost a lot of weight.”¹⁶³ Others also lost substantial amounts of weight, sometimes becoming unrecognizable to relatives.¹⁶⁴ A respondent who had served more than five years of his sentence in Jaslyk said that during one particularly harsh winter, he and his cellmates saved crumbs to entice birds to their cell window so they could catch them to eat them. They cooked the birds in a metal basin heated by an electric heating element they rigged.¹⁶⁵

Prison food is frequently so inadequate in quantity and quality that prisoners rely on food parcels from relatives or food brought during family visits, though staff sometimes restricted these arbitrarily or punitively. Alternatively, respondents said that some prisoners could bribe prison staff to be allowed parcels in excess of the limits. Inmates at many facilities can also purchase some food items such as tea and packaged biscuits in addition to soap and other necessities, from the prison commissary, typically available about once per month. Respondents said that commissary prices were much higher than in regular shops. The reliance on outside food, the commissary, and bribes exacerbate vulnerabilities of poor inmates, whose family may not have the resources to bring or send food or money.

Several former prisoners alleged that corruption plays a role in the poor prison diet. They said that prison staff appropriate money allocated for prison food to line their own pockets or sell grocery items, such as eggs or meat, and keep the money.¹⁶⁶ Two said that they received noticeably worse or less food when inspection commissions or government officials visited the prison, speculating that the budget for prisoners’ food was diverted to pay for lunches for officials.¹⁶⁷

The availability of sufficient, potable drinking water is a serious problem at some prisons in Uzbekistan, particularly at three prisons in

168/ Interviews with Respondent 4, Margilan, September 27, 2018; Respondent 8, Margilan, September 27, 2018; Respondent 9, Fergana, September 28, 2018; Respondent 12, Andijan, September 29, 2018; Respondent 15, Tashkent, October 1, 2018.

169/ Interview with Respondent 12, Andijan, September 29, 2018.

170/ Interview with Respondent 1, Tashkent, October 2, 2018.

171/ Ibid.

172/ A/HRC/WG.6/30/UZB/1, para 49.

173/ Ibid.

174/ Interviews with Respondent 9, Fergana, September 28, 2018; Respondent 13, Tashkent, September 29, 2018; Respondent 15, Tashkent, October 1, 2018; and Respondent 19, Tashkent, October 3, 2018.

175/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018;

176/ Interview with Respondent 16, Chirchik, October 2, 2018.

177/ Interview with Respondent 18, Tashkent, October 3, 2018.

Karshi, a city in Kashkadarya in southern Uzbekistan. All respondents who served time in Karshi underscored that they did not have enough water and that the water often made them sick. As a result, they said that many prisoners suffered from chronic dehydration and diarrhea, conditions made worse by extreme heat during the summer months.¹⁶⁸ One said that guards sold inmates drinking water in exchange for cigarettes.¹⁶⁹

In addition, aging infrastructure at some facilities caused problems with water. One respondent said that the water pump frequently broke during the more than five years he spent in Bekabad prison so that inmates had to resort to filling every available container when water was available.¹⁷⁰ At Karaulbazar, he said that prisoners collected drinking water in barrels from a canal and had to let it stand to allow sediment to sink to the bottom before they could drink it.¹⁷¹

Overcrowding and Accommodation, Light and Air

According to the government, prisons are only at about 80% capacity.¹⁷² The country has taken steps to reduce prison occupancy rates and reported that it has reduced the total number of prisoners by half, bringing the prison population down to 133 people per 100,000.¹⁷³ However several former prisoners reported that they encountered overcrowding at some stage during incarceration, sometimes living in overcrowded conditions for years at a time in both cells and barracks.¹⁷⁴ One former prisoner said he experienced significant overcrowding from 2011–2014, when 120–140 inmates lived in barracks intended for 70. “There were people sleeping on tables in the canteen and inmates sleeping in the industrial zone.”¹⁷⁵ Another said that his dormitory was so crowded that inmates slept on triple bunk beds pushed together, with three inmates per row.¹⁷⁶

Former inmates also described prison cells and dormitories as stuffy, with insufficient ventilation or fresh air, problems exacerbated by overcrowding and poor hygiene. Both cells and dormitories have only small windows, usually high up on the wall and often obscured by metal slats or shades that limit natural light as well as air flow. An inmate who had special privileges said that he lobbied the administration to improve the ventilation in the dormitory to help stop the mold that grew on the walls.¹⁷⁷

Personal Hygiene and Sanitary Facilities

Inmates are generally allowed one shower per week. Shower facilities are generally a large room with a long pipe running across the ceiling with many shower heads and inmates shower together, with no privacy. Up to 100 people are taken to shower at a time, vying to get under the water or waiting to use it. Water can be hot or cold and inma-

tes cannot control the temperature. Prisons provide soap but former inmates said it was of poor quality and asked their relatives to include it in parcels. Inmates provide their shaving supplies and other hygiene necessities. Inmates use their shower as an opportunity to wash their clothes. However, the shower schedule is not coordinated with prisoners' work schedules. Prisoners who work in the prison's industrial zone have access to a daily shower after their shift but may miss their scheduled shower and therefore their opportunity to do laundry. "If my day off from work is on Monday but my assigned shower day is on Thursday, I miss it because I am at work."¹⁷⁸ In such cases, prisoners resort to washing their clothes as well as they can in the sinks near the toilets. Water for laundry is usually cold and no facilities are provided to hang clothes to dry. Inmates said they hang clothes on the edges of their bunks, cabinet doors, or pipes, but this is forbidden and if they see it, guards can remove the clothing and issue a disciplinary violation.

International standards require that sanitary facilities be clean and decent as well as ensure hygiene and dignity.¹⁷⁹ In all barracks-type prisons discussed in this report, the toilets are located in a building separate from the living facilities, some 100 meters or more away from the dormitories, necessitating prisoners go outside to use the toilet. These facilities have multiple toilets, usually six to ten, and afford minimal privacy. Some toilets have no barriers between them and others are separated only by waist-high walls but have no doors and are exposed from the front. In several facilities, toilets were pit toilets—holes in the ground with no plumbing, although they may have since been updated.¹⁸⁰ At one facility, the administration collected money from inmates to help pay to build flush toilets.¹⁸¹

Clothing and Bedding

Prisoners are generally issued two sets of clothing each year, one for winter, one for summer. The uniform consists of a black shirt, trousers, and jacket, underclothes, and cap, except in the strictest regime facilities, where the uniform is gray and black stripes. Inmates also receive footwear and several said that it is common for prison administrators to issue footwear a size too large or a size too small, so that prisoners have difficulty walking.¹⁸² Three people said that guards can take away warm clothing or bedding as a punishment.¹⁸³

MEDICAL SERVICES

Prisons bear responsibility for providing adequate care to people in custody, which should be offered at the same level as is available in the community and free of charge.¹⁸⁴ Medical care in Uzbek prisons falls woefully short of these standards, amounting to deliberate indifference to inmates' physical and psychological health. One former inmate said that if you go to the prison infirmary, "you watch people die the-

178/ Interview with respondent 12, Andijan, September 29, 2018.

179/ Mandela Rules 15, 16, 18, and 35.

180/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 2, Tashkent, September 26, 2018; Respondent 12, Andijan, September 29, 2018; and Respondent 18, Tashkent, October 3, 2018.

181/ Interview with Respondent 18, Tashkent, October 3, 2018.

182/ Interviews with Respondent 5, Margilan, September 27, 2018; Respondent 15, Tashkent, October 1, 2018; and Respondent 19, Tashkent, October 3, 2018.

183/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 8, Margilan, September 27, 2018; and Respondent 17, Tashkent, October 3, 2018.

184/ Mandela Rules 24–29 and 31.

185/ Interview with Respondent 16, Chirchik, October 2, 2018.

186/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 9, Fergana, September 28, 2018; Respondent 12, Andijan, September 29, 2018; Respondent 13, Tashkent, September 29, 2018;

187/ Interviews with Respondent 9, Fergana, September 28, 2018

188/ Interview with Respondent 15, Tashkent, October 1, 2018.

189/ Mandela Rule 27.2.

190/ Interview with Respondent 13, Tashkent, September 29, 2018.

191/ Mandela Rule 40.1.

192/ In other research, the Uzbek-German Forum has interviewed inmates at colony settlements who were subjected to forced labor in the cotton harvest and in construction, and who were in both cases threatened with violence and of being sent back to higher security facilities if they complained or failed to meet work requirements. Uzbek-German Forum interviews with prison colony inmate, Gulistan district, Syrdarya region, June 9, 2018; and prison colony inmate, Zafarabad district, Jizzakh region, November 23, 2017. Although international law permits work as part of a sentence imposed by court, it prohibits prison labor hired to or at the disposal of private companies or individuals. See International Labour Organization (ILO), Forced Labour Convention, C29, 28 June 1930, C29, Article 2.2 (c), available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312174:NO, (accessed September 25, 2019).

re.”¹⁸⁵ Inmates receive no preventative care or any dental care and said there is no plan to prevent the spread of diseases among prisoners, including serious communicable diseases such as tuberculosis. They also reported that prison infirmaries do not provide many needed medications, even basic medications, and prisoners have to rely on their families to supply medicine, which is sometimes stolen or confiscated by staff.¹⁸⁶

Other than cursory examinations on intake at a facility, some former inmates never received any treatment or medical care during their entire incarceration, including preventative care. Other former inmates described not receiving care even when they were in demonstrably poor health and being treated by other inmates who helped them care for wounds or tend to injuries.¹⁸⁷ One said that he broke his leg while working in a prison factory but the prison doctor did not treat him or even provide pain medication, telling him his leg would heal on its own. He said that other inmates set his broken bone and bound his leg for him as well as fashioned him some crutches so he could move around.¹⁸⁸

The Mandela Rules state that clinical decisions should be made by doctors and not overruled by administrators or staff.¹⁸⁹ One former inmate said that the prison administration, not doctors, make decisions about health care, “Doctors cannot even prescribe bedrest without permission from the prison director.” He also said that doctors participate in the maintenance of order and discipline in prisons, including searching prisoners’ cells or barracks and that he had seen “doctors in white coats hitting inmates with a truncheon.”¹⁹⁰ This violates rules against the participation of health care personnel in the imposition of discipline.¹⁹¹

RE-INTEGRATION AND POST-RELEASE CHALLENGES

Former inmates universally described prison as serving a solely punitive role, to the point of being degrading and dehumanizing. They said that they did not have access to any kind of education or training opportunities in prison that could help prepare them for life on the outside, let alone psychological rehabilitation or support services. Some inmates do spend time at so-called colony settlements, or low security prisons where inmates can get jobs outside prison, have access to mobile phones, and opportunities for increased contact with family and friends. Even at these facilities, little is done to prepare inmates to rejoin life in society and inmates at colony settlements remain vulnerable to arbitrary and abusive practices as well as exploitation.¹⁹²

Inmates face significant hardship after they are released. Many suffer from long-term or debilitating health problems as a result of poor conditions, exposure to contagious diseases such as tuberculosis, lack of dental care, and psychological and physical abuse. As former offenders, they have difficulty finding jobs and may remain under police

supervision for months or years after release. Incarceration takes an emotional and financial toll on prisoners' families as well. Relatives of prisoners may grapple with debt from legal fees or costs associated with visits to prison and sending packages to their incarcerated relative. One former inmate who is required to make a significant restitution payment as part of his sentence, said that although he worked at a brick factory six days a week for 12 years while he was incarcerated, he only earned the equivalent of approximately US\$ 2 per month, not nearly enough to make any significant progress in paying the restitution.¹⁹³ Since his release, he has had difficulty finding a job and the authorities have repossessed his family's personal property including television, furniture, and carpets, ostensibly to pay the debt, and have even attempted to take some of his mother's property. He said he has tried to work out a repayment arrangement but the amount he owes has changed several times. When he appealed for assistance, he said the authorities told him he could get a reduction in the restitution amount if he obtains the written consent of more than 70 victims of his offense, but they did not provide him with their addresses and some of which are businesses no longer in operation.¹⁹⁴ While the respondent said he did not object to paying restitution, he expressed frustration at the lack of transparency around the payment amount, and whether the payment was actually going to the alleged victims.

No Compensation

Prisoners who were in prison unjustly, for politically-motivated reasons or because of religious persecution, or who suffered illegal treatment such as torture or serious due process violations, have no meaningful access to remedy or compensation. Most of the people interviewed for this report had years or decades of their lives taken from them. Some had their livelihoods destroyed and nearly all suffer ongoing health consequences of ill-treatment, poor nutrition, and a lack of adequate medical and dental care.

The only remedy available is to pursue legal exoneration through the courts, a costly, time-consuming procedure with little chance of success. Only one person interviewed for this report, a businessman, has successfully appealed his conviction and has been exonerated by the courts. At the time of research, several people involved in bringing the case against him had since been arrested and were under investigation for their role. However, he had received no compensation for his wrongful conviction or the loss of his business, which was seized on his arrest.¹⁹⁵ Several others have sought exoneration or "rehabilitation" in the courts but have been denied and remain burdened with the status of having a criminal record and are required to pay any restitution or remain under supervision or on watchlists.¹⁹⁶ Samandar Kukanov, a businessman who served 23 years in prison on politically-motivated charges, has similarly attempted to seek exoneration without success.¹⁹⁷ On July 10, 2019, the criminal panel of the Supreme Court of Uzbekistan rejected Kukanov's request for his rehabilitation. The decision of the Supreme Court stated that "Kukanov's lawsuit was not justified

193/ Interview with Respondent 14, Tashkent, October 1, 2018.

194/ Ibid.

195/ Interview with Respondent 18, Tashkent, October 3, 2018.

196/ Interviews with Respondents 1, Tashkent, September 26 and October 2, 2018; Respondent 2, Tashkent, September 26, 2018; Respondent 15, Tashkent, October 1, 2018; and Respondent 19, Tashkent, October 3, 2018.

197/ "Верховный суд Узбекистана отказал в реабилитации Самандару Куканову, который отсидел в каримовской тюрьме более 23 лет [Supreme Court of Uzbekistan rejects rehabilitation of Samandar Kukanov, who served more than 23 years in Karimov's prisons]," Ozodlik, July 10, 2019, <https://rus.ozodlik.org/a/30047638.html> (accessed December 6, 2019).

198/ „УСМАХА ХАКХА3АПОБА“ ЧОБА
3ОБЫТ НА „БЕСЕДУ [‘Usman Khaknazarov’
[Abdulla’s pen name] is again called in for a
‘talk.’” Human Rights Alliance of Uzbekistan,
September 17, 2019.

199/ Uzbek Justice Ministry Registers
Prisoners’ Rights Group, U.S.-Based NGO,
“[https://www.rferl.org/a/uzbek-justice-
ministry-registers-prisoners-rights-group-u-s-
-based-ngo/30484147.html](https://www.rferl.org/a/uzbek-justice-ministry-registers-prisoners-rights-group-u-s-based-ngo/30484147.html) (accessed March
23, 2020).

200/ “Uzbekistan: Stop Harassing Human
Rights Defenders.” Joint press release
of Amnesty International, Civil Rights
Defenders, Frontline Defenders, Human
Rights Watch, International Partnership for
Human Rights, and the Norwegian Helsinki
Committee, November 20, 2018, [https://www.
hrw.org/news/2018/11/20/uzbekistan-stop-
harassing-human-rights-defenders](https://www.hrw.org/news/2018/11/20/uzbekistan-stop-harassing-human-rights-defenders) (accessed
September 25, 2019).

201/ Steve Swerdlow of Human Rights Watch
tweeted, “Disturbed to report that we’ve
heard that some rights activists have been
faced with intimidation prior to meetings with
the @UNIndepJudges. That needs to stop to
ensure a comprehensive examination of the
system.” @steeswerdlow, Twitter, September
22, 2019.

because all aspects of the criminal case had been confirmed and had been supported by material evidence and witness testimonies.”

Two people interviewed for this report had their imprisonment ruled as arbitrary detention by the UN Working Group on Arbitrary Detention. Several other cases were well documented by international human rights groups as politically-motivated prosecutions. All respondents allege serious rights violations, including fair trial, due process protections, and torture and ill-treatment. Some suffered years of severe torture and other ill-treatment and all suffered from inhuman and degrading material conditions that violate international standards. In none of these cases has any of the respondents or their relatives had access to justice or remedy and none of the perpetrators have been brought to account.

Ongoing harassment

In September 2019, Bobomurod Abdulla reported to a Tashkent-based human rights organization that he feared the authorities might be preparing another case against him. He said that a local police officer called him in the evenings of September 16 and 17, to tell him to come to the police station “for a talk.” Abdulla, who completed his sentence in July 2019, said that when he arrived at the police station on September 17, a group of uniformed and plainclothes officers, some of whom he recognized, gathered with the police officer who had told him to come. Abdulla grew concerned and left without entering the office.¹⁹⁸

Authorities have shown little willingness to allow activism by former prisoners or provide avenues for them to seek redress. Activists and former prisoners Agzam Turgunov, who spent more than nine years in prison, Azamjon Farmonov, who spent 11 years, and Dilmurod Sayyid, a journalist who spent more than nine years in prison have attempted to register an NGO dedicated to restoring the rights of those wrongfully convicted, but have not been permitted to register until March 2020.¹⁹⁹ Turgunov and Sayyid, have both been subjected to harassment, surveillance, and interference with their activities.²⁰⁰ Such harassment raises particular concern as it appears intended to prevent problems in the prison and criminal justice systems from being exposed, which is crucial to improving the system. Some activists apparently faced intimidation before meeting with the UN special rapporteur on the independence of judges and lawyers during his country visit, which could prevent the full examination of the system.²⁰¹

ENDING IMPUNITY: THE WAY FORWARD FOR REFORM

Respondents for this report consistently noted small, positive changes in the prison system that have occurred in the past three years. They said that the attitude of prison officials toward prisoners and their families had improved slightly, as had conditions for family visits and cited small improvements in food, access to magazines, books, and television programs.²⁰² Three respondents said that extreme mistreatment of religious prisoners and their relatives has reduced in recent years, with guards adopting slightly more humane attitudes toward them.²⁰³ Major, systemic problems such as the use of torture and ill-treatment have not been addressed in any comprehensive way, nor have any public efforts been made to impose real accountability for these abuses. Some respondents said that the torture and ill-treatment has lessened, but not stopped,²⁰⁴ that there are “fewer beatings,”²⁰⁵ or that “in punishment cells prisoners are now beaten only for the first three days instead of every day as before [Mirziyoyev came to power].”²⁰⁶ These improvements show that change is possible but also that long-term, systemic change will require transparency, independent monitoring, and real accountability for abuses. Uzbekistan also needs to drastically improve basic prison conditions, through major investments in infrastructure and supplies. As Uzbekistan seeks to build a new future for itself, it must also find a way to address the abuses of the Karimov era, including the cases of those wrongfully imprisoned, and who suffered human rights abuses in prison. All of these reforms will also require a major shift in the mindset about the role of law enforcement in society, the role of prisons, and the purpose of incarceration.

Uzbekistan has agreed to partner with the UN Office on Drugs and Crime (UNODC) on prison reform and has included prison reform and the “humanization” of the prison system as part of its National Action Strategy on Five Priority Development Areas.²⁰⁷

202/ Interviews with Respondent 1, Tashkent, September 26 and October 2, 2018; Respondent 2, Tashkent, September 26, 2018; Respondent 5, Margilan, September 27, 2018; Respondent 7, Margilan, September 27, 2018; Respondent 8, Margilan, September 27, 2018; and Respondent 13, Tashkent, September 29, 2018.

203/ Interviews with Respondent 3, Margilan, September 27, 2018, Respondent 7, Margilan, September 27, 2018; and Respondent 8, Margilan, September 27, 2018.

204/ Interview with Respondent 1, Tashkent, September 26 and October 2, 2018.

205/ Interview with Respondent 11, Andijan, September 28, 2018.

206/ Interview with Respondent 12, Andijan, September 29, 2018.

207/ “UNODC and Uzbekistan Cooperate to Bring Penal Legislation in Line with International Standards,” UNODC, August 9, 2018, <https://www.unodc.org/centralasia/en/news/unodc-and-uzbekistan-cooperate-to-bring-penal-legislation-in-line-with-international-standards.html> (accessed April 26, 2019).

RECOMMENDATIONS TO THE GOVERNMENT OF UZBEKISTAN

On reform of the penitentiary system, its legislation and practice:

- Bring the national legislation regulating the penitentiary system and practice in compliance with all relevant international standards including the Mandela rules.
- Ensure respect for the rights and freedoms of persons serving criminal sentences, as well as their relatives and legal representatives in line with international human rights documents and recommendations of international organisations, including the UN Committee Against Torture and the UN Special Rapporteur on Torture.
- Provide conditions in places of deprivation of liberty in accordance with respect for human dignity.
- Eliminate all forms of inhuman and degrading treatment of detainees by prison officials and other prisoners; hold perpetrators to account.
- Make publicly available the information concerning the number of people in places of detention, the type, number and address of all detention facilities in the country.
- Transfer oversight and responsibility for the Main Administration for the Execution of Punishment (GUIN) from the Ministry of Internal Affairs to the Ministry of Justice.
- Create a commission with the participation of independent experts to review politically motivated criminal cases and guarantee the rehabilitation of former political prisoners and compensation.

On the prevention of torture:

- Condemn torture publicly by ratifying and implementing the Optional Protocol to the Convention Against Torture.
- Bring the definition of torture in article 235 of the Criminal Code and everywhere in national legislation into compliance with article 1 of the Convention Against Torture.
- Invite the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to Uzbekistan to conduct a country visit in accordance with his mandate.
- Guarantee the independence of the existing National Preventative Mechanism in the framework of Ombudsman and enable to conduct comprehensive monitoring of places of deprivation of liberty with the participation of members of civil society.
- Initiate investigation of cases of alleged torture and ensure that investigations be in accordance with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).
- Strengthen measures to prosecute and punish perpetrators of torture, including be ensuring that they are prosecuted according to article 235 of the Criminal Code, and not for lesser offenses, such as abuse of authority.
- Provide effective remedies, including compensation and rehabilitation, to victims of torture.
- Ensure that training of all staff of places of deprivation of liberty and personnel behaviour conforms to the requirements of international human rights standards on the prevention of torture.



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