

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA  
UZB 1/2015:

27 April 2015

Dear Mr. Nurmetov,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 25/18, and 25/13.

In this connection, we would like to bring to the attention of your Government information we have received concerning allegations of a new criminal case brought against human rights defender Mr. **Azamjon Formonov**.

Mr. Azamjon Formonov was Chair of the Syrdarya regional branch of the Human Rights Society of Uzbekistan (HRSU). In this capacity, he monitored violations of social and economic rights with a focus on the rights of farmers and people with disabilities. He also defended them in court as a lay public defender. In 2006, Mr. Formonov allegedly suffered ill-treatment in pre-trial detention and lack of due process during his trial. He was subsequently sentenced to nine years imprisonment, reportedly as a result of his human rights work. He is currently serving his sentence at the U/Ya 64/71 Special Regime Colony in Jaslyk.

Mr. Formonov was the subject of three previous communications sent to your Government by various Special Procedures mandate holders on 10 May 2006 and 30 June 2006, see A/HRC/4/37/Add.1; and on 9 December 2011, see A/HRC/20/30. While we acknowledge receipt of replies transmitted by your Government to two of the communications sent, we regret that to date no reply has been received to the communication sent on 30 June 2006.

According to the information received:

In July 2013, during a meeting with his wife, Mr. Formonov described having constant tooth pain and the appearance of a number of hard lumps in various places on his body. Beyond routine check-ups, Mr. Formonov's was allegedly denied repeated requests for medical and dental care.

Mr. Formonov is due to be released from prison on 29 April 2015, after having completed his sentence.

According to sources, on 12 April 2015, Mr. Formonov was transferred from his prison cell to the pre-trial isolation facility No. 9.

On 14 April 2015, Mr. Formonov's wife was reportedly informed that a new criminal case had been filed against her husband under Article 221 of the Criminal Code for alleged "violations of prison rules". If convicted, Mr. Formonov could face up to three additional years in detention.

Grave concern is expressed at allegations that a new criminal case has been brought against Mr. Formonov prior to his release as he nears the end of his sentence. Further concern is expressed regarding the physical and psychological integrity of Mr. Formonov in light of the allegations of ill-treatment to which he has been subjected while in detention.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

While we do not wish to express an opinion on whether or not the detention of Mr. Formonov is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of his liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR), which Uzbekistan acceded in 1995, as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR.

We would like to remind your Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Uzbekistan acceded in 1998.

Moreover, with regards to the solitary confinement of Mr. Formonov, we would like to draw the attention of your Government to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/66/268), which stresses that the use of prolonged or indefinite solitary confinement may never constitute a legitimate instrument of the State and runs afoul the above-mentioned absolute prohibition. Moreover, due to the prisoner's lack of communication, and the lack of witnesses, solitary confinement enhances the risk of other acts of torture or ill-treatment.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2 and 12.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the alleged new criminal case against Mr. Formonov and state how these measures are compatible with international norms and standards as contained, inter alia, in the UDHR and the ICCPR. Please provide information on whether he has had access to legal counsel, as well as been provided the details, and where available the results, of any investigation or inquiry which may have been carried out in relation to this case.
3. In connection with the above, please kindly provide information about the state of health of Mr. Formonov, as well as details of his access to independent medical professionals. Please indicate what measures have been taken to ensure that the physical and psychological integrity of Mr. Formonov is guaranteed while in detention.

4. Please explain the motives behind placing Mr. Formonov in solitary confinement and how this is compatible with international norms and standards, inter alia those referenced above.
- 5 Please kindly indicate what measures have been taken to ensure that human rights defenders in Uzbekistan are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We undertake to ensure that your Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Mr. Nurmetov, the assurances of our highest consideration.

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading  
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