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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief
and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA G/SO 214 (56-23) G/SO 214 (53-24) G/SO 218/2
UZB 4/2012

17 April 2012

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on freedom of religion or belief and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 14/11 and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the situation of Mr. [REDACTED], born in 1979, holder of Alien Registration No. [REDACTED] issued by the Republic of Korea.

According to the information received:

It is alleged that Mr. [REDACTED] fled to the Republic of Korea in 2008 to escape religious persecution in his home country. Reportedly, as soon Mr. [REDACTED] fled the country in 2008, the police visited his family in Uzbekistan on multiple occasions and inquired about his attendance of mosque services and questioned about his wife's Islamic dress code. The police even summoned his mother to the police station for 4-hour interrogation about his religious beliefs. Soon after leaving Uzbekistan, Mr. [REDACTED] learned that the National Security Service agents had been collecting information about him, showing his picture to those who may be acquainted with him and demanding that they provide information.

It is reported that, one of Mr. [REDACTED]'s close friends was arrested at his home by the agents from the National Security Service upon his return to Uzbekistan in 2010 from the Republic of Korea where he was studying for his master's degree. It is alleged that he was arrested for being a devoted practicing Muslim. According to the friend, the agents inquired whether he was a friend with Mr. [REDACTED] and whether they had attended the same mosque. The friend had

reportedly warned Mr. [REDACTED] through his family not to return to Uzbekistan and that if he did, he would be detained.

Reportedly, on 7 February 2012, in unknown circumstances, Mr. [REDACTED] was arrested by the officials from the Seoul Immigration Office on the basis of alleged illegal entry and stay in the country and was taken to Seoul Immigration Office where he remained detained for four days before he was transferred to the Hwasung Foreigner Detention Center.

On 15 February 2012, Mr. [REDACTED] was allowed to submit an asylum seeker application to the UNHCR.

On 21 March 2012, Mr. [REDACTED] was notified of the rejection of his application for refugee status by the Seoul Immigration Office who then took him, by force, to the Incheon airport and put him on a 10:00 p.m. flight to Uzbekistan with a travel document obtained from the Embassy of Uzbekistan. It was not until the morning of 22 March 2012 that his wife received a call from the Hwasung Foreigner Detention Center and discovered that Mr. [REDACTED] was deported to Uzbekistan.

It is further reported that at the Incheon Airport in the Republic of Korea Mr. [REDACTED] was met by two Uzbek guards who escorted him to the plane and accompanied him during the flight. It is claimed that Mr. [REDACTED] arrived in Tashkent Airport in Uzbekistan at early hours of 22 March 2012. His mother, who was in the airport, was unable to meet him and later learned from the local police that her son had been taken to the National Security Service by the so-called secret police. To date, the fate and whereabouts of Mr. [REDACTED] remains unknown.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. [REDACTED] person is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee Mr. [REDACTED] right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

While we do not wish to prejudge the accuracy of these allegations, we should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the case of the person named above. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the UDHR, the ICCPR, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

With respect to the allegation according to which the current whereabouts of Mr. [REDACTED] is unknown, we would like to draw the attention of your Excellency's

Government to paragraph 8b of Human Rights Council Resolution 16/23, which reminds States that “[...] detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person and to ensure that secret places of detention and interrogation are abolished.”

In this context, we would like to draw the attention of your Excellency’s Government to paragraph 1 of Human Rights Council Resolution 16/23 which “Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment.”

We would also like to draw your Excellency’s Government’s attention to article 12 of the Convention against Torture, which requires the competent authorities to undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed, and article 7 of the Convention against Torture, which requires State parties to prosecute suspected perpetrators of torture. We would also like to draw your Excellency’s Government’s attention to paragraph 6b of Human Rights Council Resolution 8/8, which urges States “To take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment promptly and impartially examined by the competent national authority, to hold those who encourage, order, tolerate or perpetrate acts of torture responsible, to have them brought to justice and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and to take note in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a useful tool in efforts to combat torture”.

We would like also to appeal to your Excellency’s Government to take all necessary steps to ensure that the right to freedom of religion or belief is respected and protected, as recognized in articles 2 (1) and 26 of the ICCPR, and article 18 of the Universal Declaration of Human Rights (UDHR).

Article 2 (1) of the 1981 Declaration of the General Assembly also provides that: “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.” Art.4 (1): “All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]” Art. 4 (2): “All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.”

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned person are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victim?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the reasons of the investigation and interrogation of Mr. [REDACTED]'s religious beliefs and practices.
5. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
6. Please provide the full details of the current whereabouts of Mr. [REDACTED]. Please indicate the steps undertaken to ensure the well-being and physical and mental integrity of Mr. [REDACTED].
7. Please provide information concerning the legal grounds for the alleged cooperation of the authorities of Uzbekistan with the authorities of the Republic of Korea in relation to Mr. [REDACTED] and his subsequent arrest and detention, in Uzbekistan and how these measures are compatible with international obligations of Uzbekistan as stipulated in the International Covenant on Civil and Political Rights and the Convention against Torture.
8. Please provide information concerning the legal grounds for the arrest and detention of Mr. [REDACTED] and how these measures are compatible with international

norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

We undertake to ensure that your Excellency's 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.

Finally, we would like to inform your Excellency's Government that we have addressed a communication of the same contents to His Excellency Mr. Park Sang-ki, Ambassador Extraordinary and Plenipotentiary, Permanent Representative, Permanent Mission of the Republic of Korea to the United Nations Office and other international organizations in Geneva.

Please accept, Excellency, the assurances of our highest consideration.

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