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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 Special Rapporteur on freedom of religion or belief and the Special Rapporteur on
torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: AL G/SO 214 (56-23) G/SO 214 (53-24)
UZB 3/2013

22 August 2013

Dear Mr. Obidov,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 22/20 and 16/23.

In this connection, we would like to bring to your Government's attention information we have received concerning the alleged arbitrary arrest and ill-treatment of Mr. **Sardorbek Nurmetov** by the local police Criminal Investigation Department in Urgench, Uzbekistan.

According to the information received:

On 14 June 2013, Mr. Sardorbek Nurmetov, a resident of Khanka District, about 20 kilometers from Urgench, in the Khorezm Region and reportedly a member of an unregistered Protestant church, was allegedly stopped near the railway station in Urgench in the Khorezm Region, north-west Uzbekistan, by the chief of the local police Criminal Investigation Department (CID). It is alleged that the police stopped Mr. Nurmetov under the guise of a passport control and brought him to the nearest police station, where the police allegedly confiscated his memory stick, which contained Christian materials.

It is reported that Mr. Nurmetov was then taken to Urgench City Police Station where he allegedly was beaten in the chest and head, as well as kicked in the legs by the chief of the police station. It is alleged that despite requests from Mr. Nurmetov, the chief refused to call for an ambulance.

Moreover, Mr. Nurmetov was reportedly held at the police station in Urgench from 4.30 pm to 9.00 pm, and was allegedly not allowed to move, drink water or to go to the toilet.

It is alleged that Mr. Nurmetov subsequently was forced into a police car by the chief and other police officers, and brought to his home. There, the police officers allegedly broke into Mr. Nurmetov's house and confiscated three Christian books, a DVD disk and his laptop, before leaving Mr. Nurmetov to himself.

Mr. Nurmetov reportedly went to the Khanka District Hospital for treatment and to have his injuries formally certified. However, the doctor receiving him allegedly called the police. Two police officers from the Khanka police arrived and forcibly brought Mr. Nurmetov to the police station in Khanka. It is reported that Mr. Nurmetov subsequently was pressured not to file a complaint. Nonetheless, Mr. Nurmetov reportedly did submit a formal complaint and requested action to be taken against the chief of the local police. Mr. Nurmetov was later released and told to return to his home.

At home, Mr. Nurmetov's wife reportedly requested an ambulance from the Khanka hospital, which was refused, forcing Mr. Nurmetov to take a taxi. Mr. Nurmetov was reportedly given a painkiller injection at the hospital. However, the doctor refused to formally certify his injuries and write a medical report, allegedly out of fear of reprisals from the police.

On 18 June 2013, Mr. Nurmetov reportedly underwent a forensic examination at the request of the Urgench City Prosecutor's Office. It is reported that the results were sent to the police in Urgench, who opened an administrative case against Mr. Nurmetov for illegally storing religious materials in his home. Mr. Nurmetov has filed complaints to the President of Uzbekistan and other high State authorities. It is further reported that the Urgench City Court will hear Mr. Nurmetov's case in August 2013.

Without expressing at this stage an opinion on the facts of the case alleged in the summary, we would like to appeal to your Government to take all necessary measures to guarantee the rights and freedoms of Mr. Sardorbek Nurmetov as set forth inter alia in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), to which Uzbekistan acceded on 28 September 1995.

We would like to draw the attention of your Government to article 2(1) of the ICCPR, which states that “each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Furthermore, we would like to refer your Government to article 18(1) of the ICCPR, which states that “everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in

public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Article 27 of ICCPR further provides that “in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

In this context, we would also like to draw your Government's attention to paragraph 11(k) of the General Assembly's Resolution 64/164 (A/RES/64/164) on religious intolerance and discrimination in which the General Assembly urges states "to take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based in religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all part of the world."

Furthermore, we would like to respectfully remind your Government of the General Assembly's Declaration of 1981 (A/RES/36/55), which, in its article 2(1), provides that “no one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.” In article 3, the General Assembly further states that “discrimination between human being on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the UDHR and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.” Furthermore, we would like to refer your Government to article 4(1) according to which “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 in all fields of civil, economic, political, social and cultural life.”

In addition, we would like to bring to the attention of your Government paragraph 8 of the Human Rights Council's Resolution 22/20 (A/HRC/RES/22/20), in which the Council "urges States to step up their efforts to promote and protect freedom of thought, conscience and religion or belief, and to this end: (a) to ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all, without distinction, by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief, or the right to freely practise one's religion, including the right to change one's religion or belief, is violated."

In this context we would also like to remind your Government of article 26 of the ICCPR, which provides that “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Finally, we would like to refer your Government to paragraph 4(f) of the Resolution 2005/40 of the former Commission on Human Rights, which urges States “to ensure that no one within their jurisdiction is deprived of the right to life, liberty, or security of person because of religion or belief and that no one is subjected to torture or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights.”

With regard to the alleged torture and ill-treatment of Mr. Nurmetov as well as the alleged denial of medical treatment, 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), to which your Excellency’s Government acceded on 28 September 1995.

In this context, we would like to draw the attention of your 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 the attention of your Government to the Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides that, “Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers. Furthermore, Rule 25(1) provides that, “The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed” (approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.)

We would also like to draw your Government’s attention to article 12 of the CAT, 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 CAT, which requires State parties to prosecute suspected perpetrators of torture. We would also like to draw your Excellency’s Government’s attention to paragraph 7b of Human Rights Council Resolution 16/23, which urges States “(t)o take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment investigated promptly, effectively and impartially by an independent, competent domestic authority, as well as whenever there is reasonable ground to believe that such an act has been committed; to hold persons who encourage, order, tolerate or perpetrate such acts responsible, to have

them brought to justice and punished in a manner commensurate with the gravity of the offence, 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 and the updated set of principles for the protection of human rights through action to combat impunity as a useful tool in efforts to prevent and combat torture.”

Finally, we would like to draw the attention of your Excellency’s Government to article 14 of the Convention Against Torture, which provides that victims of torture should have the right to redress and adequate compensation. In this regard, we would also like to remind you that paragraph 7e of Human Rights Council Resolution 16/23, which urges States “(t)o ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation, and urges States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims of torture can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken.”

It is our responsibility under the mandate 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:

1. Are the facts alleged in the summary of the case accurate?
2. 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.
3. Please provide information concerning the legal grounds for the arrest of Mr. Nurmetov and how these measures are compatible with international norms and standards as stated inter alia in the UDHR and the ICCPR.
4. Please provide information in detail on the specific measures undertaken to ensure the freedom of religion or belief, and the rights of religious minorities in Uzbekistan.
5. Please provide information in details on the specific measures undertaken to implement paragraph 11(k) of the General Assembly's Resolution 64/164 (A/RES/64/164) on religious intolerance and discriminations, and paragraph 4(f) of Resolution 2005/40 of the former Commission on Human Rights.

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.

While waiting for your response, we urge your Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Sardorbek Nurmetov are respected and, in the event that your investigations support or suggest the above allegations to be accurate, that the accountability of any person responsible for the alleged violations should be ensured. We also request that your Government adopt effective measures to prevent the recurrence of these acts.

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

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