

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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 1/2016:

13 April 2016

Dear Mr. Lapasov,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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, 25/2, 24/6, 25/18, and 25/13.

In this connection, we would like to bring to the attention of your Government information we have received concerning the situation of Mr. **Salijon Abdurahmanov, a journalist and a human rights activist**, and allegations of ill-treatment, lack of access to adequate medical treatment, and poor living conditions while serving his sentence in prison.

The situation of Mr. Abdurahmanov was subject of various communications sent to your Government in 2007 (UZB 2/2007), and in 2008 (UZB 14/2008; UZB 15/2008 and UZB 18/2008). In these communications allegations of violations of his rights not to be arbitrarily deprived of his liberty and to fair proceedings before an independent and impartial tribunal, to be free from torture, and to exercise his freedom of opinion and expression were raised.

We wish to thank your Government for the replies sent on 8 September and 10 November 2008 to the above-mentioned communications where it provided information about the situation of Mr. Abdurahmanov.

According to the new information received:

Mr. Salijon Abdurahmanov, a 66 year-old Uzbek national, is a journalist and human rights activist known for his reporting on government corruption and human rights abuses in the region of Karakalpakstan. On 10 October 2008, he was accused on reportedly fabricated charges of illegal possession of narcotic substances with the purpose of sale, and was consequently unfairly sentenced to 10 years in prison. The charges and conviction were reportedly linked to his human rights work and advocacy. He is currently held in prison UYA 64/51 near Karshi city.

Although Mr. Abdurahmanov is currently suffering from chronic gastritis, a chronic duodenal ulcer, and osteochondrosis of the spine, it is alleged that the authorities refuse to provide the necessary specialized health care in prison, or to transfer him to a specialized medical facility. Furthermore, he is denied to be released under a prisoner amnesty, which is applicable, among others, to prisoners over 60 years old. According to reports received, Mr. Abdurahmanov has been charged with numerous “violations of prison rules” that render him ineligible for amnesty or early release.

In addition, Mr. Abdurahmanov is reportedly being held under harsh prison conditions, namely overcrowding, shortages of medicine and hygienic water, and poor quality food. His communication with the outside world is also severely restricted and he faces refusal to access appropriate treatment for his health condition.

Moreover, allegations received indicate that Mr. Abdurahmanov is subject to detention regimes which could amount to torture or ill-treatment, for instance being forced to spend extended periods in isolation in small and dark cells, being held in cells without proper ventilation and subject to extreme temperatures. The conditions of detention, including the detention regimes applied to him, could have a devastating impact on his already deteriorated health condition.

It is reported that, on several occasions international monitors, including the International Committee of the Red Cross, were prevented from meeting Mr. Abdurahmanov while visiting the prison.

While we do not wish to prejudge the accuracy of these allegations, we express very serious concern about the physical and psychological integrity of Mr. Abdurahmanov, in particular regarding allegations that he is being held in deplorable conditions, including being subject to detention regimes which could amount to torture or ill-treatment. We are also particularly concerned about the impact that this could have on his very delicate and deteriorated health condition, and about the alleged refusal to provide him with proper medical care, including specialized treatment. We reiterate our concern, expressed in previous communications, that these violations of the rights of Mr. Abdurahmanov are reportedly the result of false criminal charges to target Mr.

Abdurahmanov's journalistic activities and his legitimate right to freedom of opinion and expression.

The above allegations also appear to be in contravention with the right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, and the right to legal assistance, in accordance with articles 9 and 10 of the Universal Declaration of Human rights (UDHR) and articles 9 and 14 of the ICCPR.

The allegations above may also amount to cruel, inhuman and degrading punishment, which is prohibited inter alia in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which the Republic of Uzbekistan acceded on 28 September 1995. Moreover, the 1955 Standard Minimum Rules for the Treatment of Prisoners as revised in 2015 (known as 'Mandela Rules') clearly stress the absolute prohibition of torture or other cruel, inhuman or degrading treatment or punishment, including solitary confinement (Rules 43-45), as well as the need of prisoners to have adequate and regular contact with the outside world (Rule 58-63). The Mandela Rules also state that accommodation should meet all requirements of health (Rule 13), and establish minimum standards for access to food and drinking water while in detention (Rule 22).

Regarding allegations of that the situation of Mr. Abdurahmanov is connected to his journalistic work and the exercise of his legitimate right to freedom of opinion and expression, we would like to remind your Government of its obligations under article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Government of the Republic of Uzbekistan on 28 September 1995.

In addition, 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, 6 and 9.

Regarding the health situation of Mr. Abdurahmanov and his access to adequate medical treatment in detention, we would like to refer to your Government of its obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which was acceded by the Republic Uzbekistan on 28 September 1995, and which provides the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Art.12). In this sense, States Parties should take all the necessary steps in order to ensure all medical services and medical attention in the event of sickness (Art.12.2). This right shall be exercised without discrimination of any kind (art.2.2).

Moreover, the Basic Principles for the Treatment of Prisoners, adopted by General Assembly resolution 45/111, underline that prisoners should have access to the health services available in the country without discrimination on the grounds of their legal situation (Principle 9). In addition, the Mandela Rules' also recognize that the provision

of health care for prisoners is a State responsibility, without discrimination, and should pay special attention to those with special health-care needs (Rules 24, and 25).

The full texts of the human rights instruments and standards recalled above are available on 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 Mr. Abdurahmanov 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 the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been 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 detailed information on measures taken to ensure the physical integrity and safety of Mr. Abdurahmanov while in detention, including information on his living conditions and detention regime. In addition please indicate if he has regular access to his family and legal counsel.

4. Please, provide detailed information about the health status of Mr. Abdurahmanov and the medical treatment he receives while in detention, including access to physicians, necessary medicines, and specialized health care.

5. Please kindly indicate what measures have been taken to ensure that human rights defenders and journalists in the Republic of Uzbekistan are able to carry out their legitimate work in a safe and enabling environment without fear of criminalization, threats or acts of intimidation 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.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

José Guevara
First Vice-Chair on behalf of the Working Group on Arbitrary Detention

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