

**NATIONS UNIES  
HAUT COMMISSARIAT DES NATIONS UNIES  
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**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 the situation of human rights defenders and of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA G/SO 214 (107-9) G/SO 214 (53-24)  
UZB 4/2011

9 December 2011

Excellency,

We have the honour to address you in our capacity as 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 General Assembly resolution 60/251 and to Human Rights Council resolutions 16/5 and 16/23.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the alleged ill-treatment of Mr. **Azamjon Formonov**, Chair of the Syrdarya regional branch of the Human Rights Society of Uzbekistan (HRSU), during his detention in the 64/71 Special Regime Colony. We have also received information concerning the on-going detention and alleged ill-treatment of other members of HRSU, namely Messrs. **Nasim Isakov**, **Zafar Rahimov**, **Khabibilla Okpulatov**, **Alisher Karamatov** and **Gaybullo Jalilov**. The HRSU is an organization working for the promotion and protection of human rights in Uzbekistan.

Messrs. Azamjon Formonov and Alisher Karamatov were the subjects of a previous communication sent on 30 June 2006, by the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment; the Special Representative of the Secretary-General on the situation of human rights defenders; and the Special Rapporteur on the independence of judges and lawyers (A/HRC/4/37/Add.1 para. 715). We regret that to date no reply has been transmitted by your Excellency's Government to this communication.

Messrs. Azamjon Formonov and Alisher Karamatov were also the subjects of an urgent appeal sent jointly on 10 May 2006, by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on violence against women, its causes and consequences; and the Special Representative of the Secretary-General on the situation of human rights defenders (A/HRC/4/37/Add.1 para. 719). We acknowledge receipt of the reply transmitted by your Excellency's Government to this communication by way of letter dated 13 February 2007.

Mr. Gaybullo Jalilov was the subject of a previous communication sent on 20 December 2010, by the Chair-Rapporteur 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 (A/HRC/18/51, case no. UZB 7/2010). We acknowledge receipt of the reply transmitted by your Excellency's Government to this communication by way of letter dated 15 March 2011.

According to the information received:

Mr. Azamhon Formonov was reportedly arrested on 29 April 2006, and was sentenced to nine years imprisonment. While in detention he has allegedly been subjected to ill-treatment on several occasions. It is alleged that on 22 January 2011, he was transferred for a few days to a remand centre in Nukus in Karakalpak, while the International Red Cross undertook a visit to the 64/71 Special Regime Colony to monitor conditions of detention. He was subsequently returned to the 64/71 Special Regime Colony.

On 16 November 2011, it is reported that Mr. Azamhon Formonov was subjected to beatings and ill-treatment while in detention at the 64/71 Special Regime Colony due to his refusal to write a letter concerning his treatment while in detention. It is reported that over the course of an hour, the hands of Mr. Formonov were tied and he was kicked in the back, stomach and head by the Head of the Operations Division of the prison. It is alleged that he also received death threats against his life as well as against his wife and children in order to force him to write the letter stating that he had never been subjected to beatings or ill-treatment while in detention, that his rights had been respected at all times and that he enjoyed good health.

It is reported that these allegations of ill-treatment against Mr. Formonov form part of a pattern of alleged on-going detention and ill-treatment of human rights defenders in Uzbekistan.

According to information received, Mr. Nasim Isakov, a member of the Jizzakh regional branch of the HRSU, has been detained in prison colony U/Ya 64/3 in Tavaskai, in Tashkent, since 2005. He was reportedly sentenced to eight years of detention for "extortion" and for "hooliganism". It is reported that, as a result of the ill-treatment to which he was subjected during his provisional detention in August 2006, he suffers from constant headaches and hearing difficulties. He allegedly requested medical care, but it is unknown if he has received any to date.

It is alleged that Mr. Zafar Rahimov, a member of the Kashkadarya regional branch of HRSU, also remains in detention. He was reportedly sentenced to six years imprisonment in October 2007.

Mr. Khabibilla Okpulatov, a member of the Ishtikhan regional branch of HRSU, reportedly remains in detention in the U/Ya 64/45 Special Regime prison colony in Almalik, in Tashkent. He is reportedly serving a six year sentence handed down in October 2005 for “slander for profit or for other base motives” and “extortion with aggravating circumstances.” According to information received, Mr. Okpulatov was due to be released in August 2009, but his sentence was extended by three years and eight days for alleged violation of detention centre regulations.

Mr. Alisher Karamatov, Head of the Mirzaabad regional branch of HRSU, is currently in detention in prison colony U/Ya 64/49 in Karshi. He was reportedly arrested on 29 April 2006, together with Mr. Farmonov and was also sentenced to nine years of detention. Concern has already been expressed regarding his arrest, sentencing and treatment while in detention in the aforementioned communication sent on 30 June 2006.

It is reported that Mr. Gaybullo Jalilov spent ten days in hospital in May 2011 for unknown reasons. The communication sent regarding Mr. Jalilov on 20 December 2010 expressed concern regarding the alleged deterioration of his health while in detention, in particular relating to reports of him being ill-treated and having suffered a nervous breakdown.

Concern is expressed regarding the physical and psychological integrity of Mr. Azamjon Formonov in light of the allegations of ill-treatment to which he has been subjected while in detention. Further concern is expressed for the physical and psychological integrity of Messrs. Nasim Isakov, Zafar Rahimov, Khabibilla Okpulatov, Alisher Karamatov and Gaybullo Jalilov given the allegations of ill-treatment of some of them while in detention. Further concern is expressed that the on-going detention of the aforementioned HRSU members may be directly related to their peaceful and legitimate work in defence of human rights.

Without in any way implying any conclusion as to the facts of the case, we should like to appeal to your Excellency’s Government to seek clarification of the circumstances regarding the cases of Mr. Azamjon Formonov and Messrs. Nasim Isakov, Zafar Rahimov, Khabibilla Okpulatov, Alisher Karamatov and Gaybullo Jalilov.

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 Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

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 like to draw the attention of your Excellency’s Government to the Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides that, “(s)ick 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, “(t)he 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).

Regarding the concern expressed that the on-going detention of the aforementioned HRSU members may be directly related to their peaceful and legitimate work in defence of human rights, we would like to refer your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention article 12, paras 2 and 3, of the mentioned Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Azamjon Formonov and Messrs. Nasim Isakov, Zafar Rahimov, Khabibilla Okpulatov, Alisher Karamatov and Gaybullo Jalilov

are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible for 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 Mr. Azamjon Formonov and Messrs. Nasim Isakov, Zafar Rahimov, Khabibilla Okpulatov, Alisher Karamatov and Gaybullo Jalilov 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 cases accurate?
2. Has a complaint been lodged by or on behalf of the Messrs. Azamjon Formonov, Nasim Isakov, Zafar Rahimov, Khabibilla Okpulatov, Alisher Karamatov and Gaybullo Jalilov?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide us with details of the current physical and psychological condition of Messrs. Azamjon Formonov, Nasim Isakov, Zafar Rahimov, Khabibilla Okpulatov, Alisher Karamatov and Gaybullo Jalilov and details of what measures have been taken to ensure their physical and psychological security and integrity including whether those requiring medical attention have been evaluated and treated by an independent and qualified medical professional.

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.

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

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

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