

**Mandates of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
AL UZB 2/2019

5 July 2019

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/9 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged torture and lack of access to appropriate medical assistance of Mr. **Kadyr Yusupov** while in custody.

Mr. Kadyr Yusupov is a former Uzbek diplomat, who worked in embassies in Austria, the United Kingdom, Sudan and the Middle East. He retired from civil service in 2009 and in recent years worked in the private sector.

According to the information received:

Mr. Yusupov suffers from a mental condition since 1995. On 3 December 2018, he apparently tried to commit suicide by jumping on the rails of an underground train in Tashkent, Uzbekistan. While in the hospital, the State Security Service interrogated him on charges of treason (article 157 of the criminal code).

On 10 December 2018, the State Security Service transferred Mr. Yusupov to the Central Detention Facility of the State Security Service in Tashkent. Since then, he has allegedly been held in solitary confinement and none of his family members have been allowed to see him.

The family hired an independent lawyer in December 2018, but he was allegedly not allowed access to his client, his medical history or evidence on the case until 24 April 2019. During this period, Mr. Yusupov was represented by a State-appointed lawyer, who allegedly failed to meet his client and did not attend any of the interrogations with the investigators. It appears that the State-appointed lawyer nonetheless signed off on all interrogations from December to April, despite him not being present. The family has filed an official complaint to the Prosecutor General's office against these actions.

In detention, State Security investigators reportedly used threats of sexual and physical violence against his wife and daughter. They also threatened to detain his

son, who was subsequently prevented from leaving Uzbekistan at the Kazakhstan border in December 2018.

Mr. Yusupov is pleading not guilty and renounces his confessions which he claims were extracted by torture.

Mr. Yusupov requires urgent medical assistance. His prescribed medication was allegedly not given to him in December 2018 and January 2019. The detention authorities have allegedly not allowed his family members to provide Mr. Yusupov with his medication. It would appear that on 1 July 2019, the detention authorities allowed him to receive his medication. However, there are no assurances that he will continue to receive his medication regularly.

Mr. Yusupov's trial began on 24 June 2019.

We wish to express concern over the alleged use of torture to extract confessions. We urge your Excellency's Government to investigate these allegations and to ensure that his conditions of detention are compatible with international human rights standards. We further express concern over the alleged lack of appropriate healthcare provided to Mr. Yusupov, despite his need for sustained medical attention. We are also concerned that, since his detention in December 2018, he is being held in solitary confinement, which may further aggravate his fragile medical condition.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information regarding any steps taken to guarantee Mr. Yusupov's physical and mental integrity, including to ensure that he receives appropriate access to health care and prescribed medication regularly.
3. Please provide information regarding any investigation into the allegations of torture of Mr. Yusupov while in detention.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Dainius Puras

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

**Annex**  
**Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to refer to article 7 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Uzbekistan in September 1995, which provides that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Paragraph 6 of General Comment No. 20 (1992) of the Human Rights Committee states that prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7 of the ICCPR.

Similarly, articles 12 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, acceded to by Uzbekistan in September 1995, places an obligation on states to prevent acts of cruel, inhuman or degrading treatment or punishment occurring on their territory, or on any territory under their jurisdiction, and to ensure a prompt and impartial investigation into allegations when there is grounds to believe that such acts have occurred. Furthermore, article 15 establishes that States shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

We would also like to remind your Excellency’s Government of article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to by Uzbekistan in September 1995, which establishes the right to physical and mental health. The Committee on Economic, Social and Cultural Rights observed in General Comment No. 14 (2000) that States must refrain from denying or limiting equal access for prisoners or detainees to preventive, curative and palliative health services (para. 34).

In addition, the revised Standard Minimum Rules for the Treatment of Prisoners (the so-called “Mandela Rules,” adopted unanimously by the UN General Assembly in by resolution 70/175 of November 2015) establish States’ responsibility to provide adequate access to health care for prisoners (Rules 24 to 35). In particular, Rule 27 stresses the responsibility to ensure prompt medical attention in urgent cases and transfers to specialized institutions or civil hospitals when prisoners require specialised treatment or surgery. Moreover, the imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures (Rule 45). In addition, Rule 24.2 provides that health-care services should ensure continuity of treatment and care.