

EXPERIENCE IN UZBEKISTAN

1. My first visits to Uzbekistan were in the 1990s, when on several occasions I undertook training of advocates in international human rights standards in Tashkent on behalf of the Open Society Foundation and the Organisation for Security and Cooperation in Europe (OSCE).
2. On 10 to 21 August 2000 I devised and implemented, on behalf of OSCE, intensive training of advocates, prosecutors and judges on the implications of Uzbekistan's ratification of the UN International Covenant on Civil and Political Rights (ICCPR), which took place in three centres: Tashkent, from 12-14 August; Urgench from 15-17 August; and Ferghana from 18-20 August. It was a breakthrough that the prosecutors and judges attended in such numbers, and engaged so frankly in discussion. David Moore of the American Bar Association's Central and Eastern Europe's Law Initiative (ABA CEELI) attended all three trainings.
3. With my colleague Douwe Korff I organised a two week visit to England by a large group judges, prosecutors, investigators and advocates from Uzbekistan in 2002 on "Human rights in the English Criminal Justice Process". The Uzbek group spent a week at the Universities of Cambridge and Essex hearing lectures and engaging in discussions on English law and practice, and the UK's international human rights obligations; followed by a week in London, attending police stations, courts at all levels, and prisons. The visit was organised on behalf of the British Foreign and Commonwealth Office, and ABA-CEELI. The then British Ambassador, Craig Murray, made significant funding available. The visit was a tremendous success. I was delighted that one of the participants also participated in my very recent training in Tashkent.
4. Craig Murray was British Ambassador from 2002 to 2004, and worked closely with Douwe Korff. He openly accused the Karimov administration of human rights abuses, a step which, he argued, was against the wishes of the British government and the reason for his removal.
5. In October 2002, Murray made a speech to his fellow diplomats and Uzbekistani officials at a human rights conference in Tashkent in which he became the first

western official for four years to state publicly that "Uzbekistan is not a functioning democracy", and to highlight the "prevalence of torture in Uzbekistani prisons" in a system where "brutality is inherent". Highlighting a case in which two men were boiled to death, he added: "All of us know that this is not an isolated incident."¹

6. The Foreign Office cleared the speech, but not without an acrimonious struggle over its content. UN Secretary General Kofi Annan raised the contents of Murray's speech during a meeting with Uzbekistani president Islam Karimov. Craig Murray was subsequently dismissed.
7. At the invitation of the Uzbek Government, the UN Special Rapporteur on Torture, Theo van Boven undertook a visit to the Republic of Uzbekistan from 24 November to 6 December 2002 during which he met various high officials and representatives of civil society organizations, as well as alleged torture victims and their relatives, and visited detention facilities.
8. He also met Craig Murray and my colleague and his fellow-Dutchman Professor Douwe Korff. His Report, of 64 pages, was very thorough indeed. He concluded, on the basis of the numerous testimonies (including on a number of deaths in custody) he received during the mission, not least from those whose evident fear led them to request anonymity and who thus had nothing to gain personally from making their allegations, that torture or similar ill-treatment was systematic as defined by the UN Committee against Torture. Even though only a small number of torture cases could be proved with absolute certainty, the copious testimonies gathered were so consistent in their description of torture techniques and the places and circumstances in which torture was perpetrated that the pervasive and persistent nature of torture throughout the investigative process could not be denied.
9. The Special Rapporteur also observed that torture and other forms of ill-treatment appeared to be used indiscriminately against persons charged for activities qualified as serious crimes such as acts against State interests, as well as petty criminals and others.²

¹ Nick Paton Walsh "The envoy who said too much" *The Guardian* 15 July 2004
<http://www.guardian.co.uk/politics/2004/jul/15/foreignpolicy.uk> (accessed on 16 July 2015)

² Document E/CN.4/2003/68/Add.2 3 February 2003, at
[http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/29d0f1eaf87cf3eac1256ce9005a0170/\\$FILE/G0310766.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/29d0f1eaf87cf3eac1256ce9005a0170/$FILE/G0310766.doc)
(accessed on 16 July 2015)

10. Thus, the allegations made by Craig Murray were entirely vindicated.
11. On 20 December 2005 Mr Van Boven made the following statement³:

As a former United Nations Special Rapporteur on Torture, who carried out a fact-finding mission to Uzbekistan in late 2002 and who has since then closely monitored the human rights situation in that country, I feel compelled to offer some insights and experiences based on the work I did on torture issues there.

First, it is clear that torture is an endemic problem in Uzbekistan—so much so that I concluded it constituted a systematic practice in the country. I found the numerous accounts of torture I gathered from victims and their relatives so consistent in their gruesome description of torture techniques and the places and circumstances in which the abuse was perpetrated that there was no way to deny the pervasive and persistent nature of torture throughout the investigative process.

Second, I concluded that senior officials, including those responsible for political oversight of prisons and law enforcement authorities—falling under the authority of the Ministry of Internal Affairs—had to be aware of the extent to which torture was a problem in the country. As I put it in my report, if they did not know, it could only be because of a lack of desire to know.

The result of this denial—and this brings me to my third point—was my finding of a culture of impunity that prevented any meaningful action toward ending torture and bringing to justice its perpetrators.

The report I prepared following my visit contained twenty-two specific recommendations to the Uzbek government for measures it needed to take to address these very serious concerns. Three years later, despite repeated commitments from Uzbek authorities and significant international attention and pressure, I regret to say that not much has changed. If anything, the situation with torture and ill-treatment may in fact have further deteriorated.

The Uzbek government has taken no meaningful steps to implement my recommendations. It has persisted in its refusal to acknowledge my main finding about torture being systematic, and has failed to take any real steps towards fulfilling two of my key recommendations—making a clear public statement by the highest authorities condemning torture and declaring an end to the culture of impunity, and enacting legislation providing for and implementing habeas corpus (judicial review of detention). Meanwhile, torture in custody, both pre-trial and post-conviction, remains rampant while its perpetrators continue to go unpunished.

I cannot forget the many victims of torture who I interviewed in Uzbekistan and the horrific and highly credible accounts of their suffering at the hands of

3

<http://www.hrw.org/news/2005/12/19/statement-theo-van-boven-former-united-nations-special-rapporteur-torture> (accessed on 16 July 2015)

police and prison officials. These persons deserve to see the day that perpetrators are held accountable for the dreadful crimes committed against them.

12. In April 2006 ABA-CEELI was refused registration in Uzbekistan and was therefore prohibited from continuing its work there.⁴
13. It will therefore be understood that it was not possible for me to return to Uzbekistan in the period following 2002, although I have kept in close contact with the situation there.
14. I was therefore delighted to receive an invitation from the United Nations Office on Drugs and Crime (UNODC) to visit Tashkent on 14-17 March 2012 to conduct a two day intensive training on torture prevention at the main legal training centre in Tashkent for two groups of defence advocates from all over Uzbekistan. I was very pleasantly surprised to be granted a visa, in view of my close connection with Professor Douwe Korff who is now persona non grata in Uzbekistan. No doubt it helped that my invitation was from the UN. I was particularly pleased that one of the lawyers had been a participant in the London visit in 2002.
15. I was also fortunate that my visit coincided with an official visit related to penal reform issues by my long-standing colleague and friend Baroness Vivienne Stern, who founded the National Association for Care and Resettlement of Offenders (NACRO) and later Penal Reform International (PRI) of which she is now Honorary President.⁵ I attended a reception held in her honour at the Residence of the then British Ambassador, Mr Rupert Joy. There I was able to speak informally to the EU Ambassador and others, and to confirm the views I express in this report.
16. In October 2013 I was invited by the British Embassy in Tashkent, in particular by the recently appointed Ambassador, Mr George Edgar, to visit Tashkent in order to make presentations at a large international round table meeting, with participants from the OSCE, EU and other Western and international bodies, focusing on Uzbekistan's recent Universal Periodic Review (UPR) at the United Nations Human

4

<http://www.abanow.org/2006/04/statement-re-the-government-of-uzbekistans-decision-to-institute-proceedings-to-remove-aba-ceelis-registration-as-a-foreign-organization-operating-in-uzbekistan/> (accessed on 16 July 2015)

⁵ <http://ukinuzbekistan.fco.gov.uk/en/news/?view=News&id=743341082> (accessed on 16 July 2015)

Rights Council. I also made presentations to the National Human Rights Centre (NHRC), to the Judicial Training Centre and other local organisations.

17. In June 2014 I was again invited by the British Embassy to participate in an international conference in Tashkent on Monday 23 June: "Further Reforms in the Judicial System and the Development and Democratisation of Society". On Tuesday 24 June I was invited to present a lecture at the Tashkent State University of Law (TSUL); later that day I was invited to participate in a round-table discussion with the NHRC Co-ordination Council where I presented a paper on the compatibility between Art. 235 of the Uzbek Criminal Code and & CAT Article 1 and offered suggestions for amendment of Article 235.
18. I was invited by Ambassador Edgar and Uzbek officials to return to Tashkent in November 2015, but this proved not to be possible. However, I remain in close contact with Uzbek interlocutors and, for example, receive a weekly e-Bulletin from Surat Ikramov, Chairman of the Initiative Group of Independent Human Rights Defenders of Uzbekistan.⁶

⁶ surat.i@rambler.ru; suratikramov@gmail.com