

Human Rights Society of Uzbekistan HRSU "Ezgulik" (below Ezgulik). Geneva. August 29, 2023.

Ezgulik has been the only independent human rights organization registered in Uzbekistan since 2003. It was registered in Uzbekistan with the support of the U.S. Department of State and the OSCE Mission.

The organization operates in all 12 regions of the country. According to its August 1, 2023 report, it has 212 members. The society prepares annual analytical reports on freedom of speech, religious freedom, torture, gender equality, socio-economic issues, and legal matters. These reports are presented to diplomatic missions, international organizations, and other relevant parties.

In its reports, the organization highlights the increasing cases of torture, gender inequality, and socio-economic hardships. Despite more than 20 recommendations from the relevant UN bodies, the government of Uzbekistan has not taken adequate measures to address these issues.

President Shavkat Mirziyoyev's initiatives to improve the situation have not produced significant results, and cases of abuse have persisted. The recent constitutional amendments and the inclusion of the principles of the Miranda rights and the Habeas Corpus Institute have not effectively addressed the ongoing human rights violations.

The organization's monitoring findings show that torture and abuse cases are hidden during investigation and trial periods. The society's efforts to raise awareness about these issues through the media have led to more attention from prosecutors, who often attempt to conceal torture facts.

Since June 26, 2021, President Mirziyoyev's decree established the National Preventive Mechanism groups, including Ezgulik, to prevent torture and abuse in detention facilities. However, these mechanisms have not effectively addressed the issue. Over the past two years, more than 10 credible reports of abuse have emerged. The government and law enforcement agencies have made some efforts to address these issues.

Ezgulik's monitoring results indicate that incidents of abuse are being concealed during the period of search and detention. The group's activities have been suppressed, and its members have been removed from the group.

Currently, the group's leadership is focusing on addressing torture cases. However, the number of torture cases continues to increase, and the government's actions remain insufficient.

Torture facts within detention facilities have been confirmed by medical staff. Medical personnel often remain silent about the torture that detainees face. The medical system is reluctant to engage with the International Classification of Diseases.

One of the ongoing major issues concerns detainees' food conditions. According to Sayora Khojaeva, the director of the "Democracy and Human Rights" Institute, there are significant problems with the nutrition of detainees in Uzbekistan's detention facilities. "Even in the Gulag Archipelago, detainees were given more bread. In Uzbekistan's detention facilities, detainees receive even less bread," Ms. Khojaeva states.

The draft law "On Amendments to the Civil Code of the Republic of Uzbekistan Regarding the Enhancement of the Mechanism for Compensating Damage to Individuals Who Have Suffered Due to Torture" has been presented in the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan.

The draft law focuses on introducing amendments to the Civil Code in terms of compensation. It outlines the responsibility for compensation for the damage suffered as a result of torture and other inhumane or degrading treatment, based on Article 991, which specifies the liability for harm caused by the actions of state bodies, investigative bodies, law enforcement agencies, prosecution bodies, and courts for violating the law in terms of carrying out investigations, detention, pre-trial detention, and other activities.

Furthermore, in the second part of Article 1021 of the Civil Code, it is proposed to add provisions regarding the calculation of harm to the dignity of the person who suffered harm as a result of torture and other forms of ill-treatment, as well as in cases of violations of human rights and the law that occur as a result of carrying out torture and other inhumane or degrading treatment. However, these provisions are not yet reflected in the legal documents.

President Shavkat Mirziyoyev, in his speech at the United Nations' Human Rights Council in April 2022, pledged to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment within a few months in Uzbekistan. However, more than a year has passed, and this document has not been ratified.

The Uzbekistan judicial system has a well-developed framework for dealing with torture and other forms of ill-treatment, primarily enshrined in Article 235 (Torture and Other Inhumane or Degrading Treatment) of the Criminal Code of the Republic of Uzbekistan. According to an official letter from the Supreme Court of the Republic of Uzbekistan in response to our specific inquiry, there have been no cases related to torture in the general jurisdiction courts throughout 2022.

However, it should be noted that cases of torture and ill-treatment are usually hidden during the process of investigation and execution of punishment.

In 2022, Ezgulik prepared a special report on the issue of torture in Uzbekistan. They also created a special film with English subtitles on the subject. We encourage you to familiarize yourself with these materials. We hope that the visual, video, and audio evidence will draw your attention to the gravity of the situation.

Our recommendations are as follows:

1. Fully transfer the responsibility of criminal investigation and law enforcement activities related to torture and trafficking to the Internal Affairs Agencies of the Republic of Uzbekistan; Transfer the Department for the Execution of Punishments under the Ministry of Internal Affairs of the Republic of Uzbekistan to the system of the Ministry of Justice of the Republic of Uzbekistan;
2. Consolidate the law enforcement agencies under the Ministry of Internal Affairs of the Republic of Uzbekistan, the State Security Service, the National Guard, and the General Prosecutor's Office to establish a unified system for addressing trafficking issues; Establish a separate Trafficking Committee;
3. Ensure the complete independence of lawyers in the process of criminal investigation and trial proceedings; Implement mechanisms that guarantee the participation of public defenders in trafficking and trial proceedings.

With respect to your attention!