

Contribution to the 44th UPR session (October - November 2023)

The death penalty in Uzbekistan is still shrouded in secrecy after the moratorium in 2004 and complete abolition in 2008.

Submitted by: A not-for-profit Association "[Justice for All International / Justice pour Tous Internationale](https://justice-for-all-international.business.site/)" is registered in Geneva (CHE-226.634.549). The Association has no profit purposes, including combating injustice and human rights abuses worldwide; promoting and protecting human rights and fundamental freedoms, with a particular focus on the protection of entrepreneurs, human rights defenders, political activists, bloggers, and journalists at risk of persecution; and strengthen developing civil societies and democracies in the countries engaged. The Association offers *inter alia* free-of-charge assistance in preparing and submitting human rights violation complaints to the UN protection mechanisms.

Uzbekistan's essential steps to improve the human rights situation and eradicate torture and other ill-treatment of relatives of executed individuals who were left in legal limbo after the moratorium and complete abolition of the death penalty.

The domestic legislation regarding the disclosure of information about the burial sites of executed prisoners has not been amended adequately and relatives report trying in vain to obtain information about the place where their executed relative was buried before the death penalty was abolished. In addition, the criminal files relating to such cases are not accessible to the relatives and their lawyers.

Before its abolishment in 2008, article 140 of the Criminal Executive Law, which stipulated for the state secrecy rules governing the death penalty execution in Uzbekistan, stated that "the body is not issued for burial. The place of burial is not disclosed."

After abolishing the death penalty, the provision was deleted and replaced by a clemency provision and no legal provision was adopted to disclose the information about the location of the executed prisoners' gravesites to their relatives, leaving them in legal limbo. No real or official number of executed people is known yet, which is still classified.

All relatives, who were left in legal limbo, are the victims of torture inflicted by Uzbekistan due to its ignorance for more than 20 years of their appeals to provide information about their burial site, so they could visit it for mourning purposes and rites. In this regard, we would like to bring the Human Rights Committee's concluding views concerning the similar suffering of Ms Sultanova (para. 7.10 of CCPR/C/86/D/915/2000), in which it stated the following: "The Committee has noted the author's claim that the State party authorities ignored her requests for information and systematically refused to reveal her sons' situation or whereabouts. The Committee understands the continued anguish and mental stress caused to the author, as the mother of the condemned prisoners, by the persisting uncertainty of the circumstances that led to their execution, as well as the location of their gravesite. The secrecy surrounding the date of execution, and failure to disclose the place of burial have the effect of intimidating or punishing families by intentionally leaving them in a state of uncertainty and

mental distress. The Committee considers that the authorities' failure to notify the author of the execution of her sons, amounts to inhuman treatment, in violation of article 7 [of ICCPR]."

With due respect and empathy to Ms Sultanova and her suffering, Association "Justice for All International / Justice pour Tous Internationale" believes that the magnitude and extent of suffering, in particular, its longevity and the fact of existing conflicting information in some cases that their death row relatives might still be alive, must lead to the conclusion that the relatives were subjected to torture or another form of prohibited ill-treatment.

Recommendation: Lift state secrecy over the criminal files of those executed after Uzbekistan gained independence to allow relatives to have full access to relevant information about burial sites and if necessary, exhumation in case of doubts that a death row prisoner declared executed is still alive and his/her death sentence was secretly commuted to life imprisonment.