



Uzbekistan: NGOs join the UN WGAD in calling for the immediate release of former diplomat Kadyr Yusupov

On 31 May 2021, the United Nations Working Group on Arbitrary Detention (UN WGAD) informed the applicant of its conclusions that the detention of 69-year-old Kadyrjan (further Kadyr) Yusupov is arbitrary. It called on the authorities of Uzbekistan to release him immediately and provide him with adequate compensation.

Concerned about Yusupov's continued imprisonment, Association for Human Rights in Central Asia (AHRCA), International Partnership for Human Rights (IPHR), Norwegian Helsinki Committee (NHC), Polish Helsinki Foundation for Human Rights, Freedom Now and the World Organization against Torture (OMCT) join these calls and urge the Uzbekistani authorities to ensure their swift implementation.

Former diplomat to Austria, the United Kingdom and Organization for Security and Co-operation in Europe, Kadyr Yusupov, who has been imprisoned since December 2018, suffers from serious heart disease and mental illness, and is being held in Prison Colony No. 4 in the city of Navoi in conditions of detention which pose a threat to his health and life.

"This news gives me great hope to save my father, who needs constant care and attention due to his poor health," says Babur Yusupov, son of Kadyr Yusupov. "I immediately reported the WGAD decision to his lawyer in Uzbekistan so that he would promptly inform my father, but the prison administration refused him access".

Kadyr Yusupov was sentenced to five and a half years' imprisonment in January 2020, after the Military Court of Uzbekistan found him guilty of treason under Article 157 of the Criminal Code in a trial that fell short of international standards of fairness. Yusupov maintains his innocence. The case against him is reportedly based on a statement he made during a psychotic episode in December 2018, when he was being treated by medical personnel following a failed suicide attempt in the Tashkent metro. Whilst in hospital, suffering from concussion and clearly confused, Yusupov reportedly said that he had been a spy for the West.

After his arrest on 10 December 2018, Yusupov was held for over a year in pre-trial detention, during which time law enforcement officers subjected him to ill-treatment, including psychological torture and threats of rape and reprisals against him and members of his family. He was not allowed to see a lawyer for over five months, and among other things, authorities withheld necessary medication which he requires for his long-term mental illness. On 5 July 2019, the UN Special Rapporteur on the right 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, requested the Uzbekistani authorities to provide information about the case and to take all necessary interim measures to halt the alleged violations and prevent their re-occurrence.

"The conclusion of the UN working group that Yusupov has been arbitrarily detained since December 2018 deserves serious attention and we join its calls to release Yusupov immediately. Our concerns are heightened by the fact that his treatment in detention is alarming and poses a threat to his health and life," said Brigitte Dufour, director of IPHR.

Conditions of detention

On 26 April 2020, the Head of Prison Colony No. 4 gathered a group of around 80 prisoners together including Yusupov and asked if they had any complaints. Yusupov replied that the wages for prisoners' labour at the brick factory were insufficient at the equivalent of under USD 0.15 per day, and that prisoners wishing to observe Ramadan were not allowed to do so. The head of the prison colony then reportedly shouted and swore at Yusupov, saying

"I am the boss in this 'zone' [prison colony], and while I am here, there will be no praying and fasting. I will break you. I have broken others much stronger than you. You will keep your mouth shut, or I will sew it shut".

Shortly afterwards the prison administration moved Yusupov to a punishment cell containing two other prisoners. The next day, he announced a hunger strike. On the third day of his hunger strike, Yusupov was moved to a solitary prison cell 1.5 x 2 meters containing a metal chair, metal bed with a torn, lice-infested mattress and an open toilet. During the day the mattress was taken away from him to prevent him from lying down. The cell was reportedly infested with insects, including small scorpions and snakes and the light was too dim to read by. Yusupov was held in these conditions for 14 days.

The prison authorities alleged that Yusupov was placed in solitary confinement because he had broken prison rules. They reportedly put pressure on other prisoners to testify against him and reportedly backdated their report to 26 or 27 April – the date when Yusupov's punishment began.

Upon his release from solitary confinement, Yusupov told his children that his mental and physical health had severely suffered. In October 2020, Yusupov's request to be relocated to an open prison that allows prisoners to leave the facility during the day and return for the night was denied, on the stated grounds that he has a record of bad behaviour.

In February 2021, Kadyr Yusupov was punished for violating prison rules and therefore was again not transferred to a colony-settlement where conditions are better than in Colony No. 4 where he is currently being held. This is a common practice in relation to prisoners investigated by the State Security Service (SSS), which inherited the activities of the National Security Service under the leadership of Rustam Inoyatov, the current Presidential Adviser for the Control of Law Enforcement Agencies.

International concern about unfair trial, torture and ill-treatment

In January 2020 the UN Committee against Torture stated in its Concluding Observations following the Committee's review of Uzbekistan's implementation of the country's international human rights obligations that

"The case of Kadyr Yusupov illustrates how safeguards were absent leading to inadequate legal defence or lack of access to attorney and relatives."

In addition, the UN Committee requested Uzbekistan to provide, by 6 December 2020, follow-up information on actions taken to investigate allegations of torture and ill-treatment committed in December 2018 in relation to Kadyr Yusupov, prosecute the perpetrators and ensure redress. The Uzbekistani government replied merely restating events and failed to provide any details about investigations into the torture allegations.

"If the Uzbekistani authorities are serious about reform, they should ensure compliance with the absolute prohibition of torture as a number one priority. They must investigate the allegations of torture of Kadyr Yusupov, and all other cases of torture effectively and make the results public," said Geir Hønneland, Secretary General of the NHC.

Geoffrey Robertson, Queen's Counsel (senior barrister) who brought the case to the WGAD on behalf of Yusupov and his family, said:

"This is a most damning criticism of a country that is pretending to the West that it respects the rule of law but is in reality allowing its secret police and its judges to behave brutally. The conduct of its security police was disgusting as they tried to force a confession from a man recovering from a mental breakdown and then for five months denied him all contact with his family and his lawyer of choice. The judges behaved like legal lickspittles, refusing to investigate the torture to which he had been subjected. On these findings, the prosecutor general should resign as he is clearly guilty of dereliction of duty."