

Arbitrarily detained former diplomat Kadyr Yusupov attacked in prison

Former diplomat Kadyr Yusupov, who is serving a prison sentence for treason, was subjected to violent attacks by fellow prisoners in September and October 2021. The organizations issuing this statement call on the authorities of Uzbekistan to swiftly release Yusupov, in line with the United Nations Working Group on Arbitrary Detention's (UN WGAD) conclusion issued in May 2021 that his detention is arbitrary. Yusupov, aged 69, is also in urgent need of medical treatment in relation to the recent beatings, heart disease and mental illness.

The case against Yusupov is 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 brain trauma and clearly confused, Yusupov reportedly said that he had been a spy for the West. Kadyr Yusupov has been detained since December 2018. In January 2020, the Military Court of Uzbekistan sentenced him to five and a half years' imprisonment for treason (Article 157 of the Criminal Code of Uzbekistan) in a closed trial that fell short of international fair trial standards. The former diplomat to Austria, the United Kingdom and the Organization for Security and Co-operation in Europe maintains his innocence.

Yusupov is serving his term in Prison Colony No. 4 in the city of Navoi in the southwest of Uzbekistan. In September 2021, Yusupov was beaten by a fellow prisoner who is serving a sentence for murder. In a second incident on 14 October, Yusupov complained about another fellow prisoner who worked for the prison administration as a caretaker. In retaliation the latter beat Yusupov violently in front of the other prisoners. Yusupov lost two front teeth and believes he is suffering from concussion after the beating as he is suffering from headaches, high blood pressure, insomnia and sickness. He also sustained bruises. He has not yet been allowed access to dental care to fix his teeth.

According to a trusted source, on 31 October 2021, he looked weak and had difficulty moving.

On 17 October, Yusupov wrote a complaint to the Navoi Regional Prosecutor for the Supervision of Penitentiary Institutions against the fellow prisoner who beat him in October, but has not had a reply. It is not clear if the prison administration actually forwarded the complaint to the prosecutor's office. On 29 October he sent another complaint to the Regional Prosecutor and is awaiting a reply.

In the hope of finding better treatment and prison conditions, Yusupov has so far filed three applications with the prison commission which reviews prisoners' requests for transfers every six months, asking to be transferred to an open prison colony. He is reportedly legally eligible for such a transfer, but his

requests appear to have been turned down on spurious grounds. The first refusal in October 2020 stated that Yusupov had violated prison rules. According to our knowledge, Yusupov had asked for better working conditions for all prisoners and for the possibility for religious prisoners to observe the Ramadan fast. In response, the prison administration moved him to a punishment cell, then subjected him to two weeks' solitary confinement. The second refusal in March 2021 was based on his making an authorized telephone call to his family at "the wrong time". The prison authorities provided no additional justification for their third refusal on 15 October. Reportedly, prison officials told Yusupov earlier this year that he would never be allowed to transfer to an open prison, that he should be "reasonable and realistic about this" and not believe that someone imprisoned for a serious crime like treason could qualify.

On 3 May 2021, the UN WGAD concluded that Yusupov's detention is arbitrary and called on the authorities of Uzbekistan to release him immediately and provide him with adequate compensation. The working group also raised serious concerns about violations of the UN

Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela

Rules), including the use of prolonged solitary confinement, "deplorable" prison conditions and denial of access to medication and treatment. The deadline for reporting on the implementation of the WGAD's conclusions is looming this month but Uzbekistan has so far failed to act on them. Other UN bodies and procedures had also raised concern about Yusupov's case, e.g., the UN Special Rapporteur on torture and the UN Special Rapporteur on health in a *joint letter* in July 2019, the UN Committee against Torture in its concluding observations adopted in November 2019 and during discussions at the UN Human Rights Committee review in March 2020.

The NGOs jointly issuing this statement call on the Uzbekistani authorities to:

- Ensure that Kadyr Yusupov is allowed immediate access to a full medical examination and the necessary medical and dental treatment.
- Effectively investigate the attacks by other prisoners against Kadyr Yusupov and ensure his security;
- Comply with the UN WGAD recommendations to immediately and unconditionally release Kadyr Yusupov from detention and afford him necessary redress and compensation.