

Country File

UZBEKISTAN



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Region	Asia Pacific
Legal system	Civil law
UNCAT Ratification/ Accession (a)/ Succession (d)	28 September 1995 (a)
Relevant Laws	<ul style="list-style-type: none">• Constitution of 8 December 1992 (as amended by the Law No. 989-XII, 28 December 1993 and Law No. ZRU-89, 11 April 2007)• Criminal Code of 22 September 1994• Criminal Procedure Code of 1994 (Law No. 2013-XII, 22 September 1994)
Relevant Articles	<ul style="list-style-type: none">• Prohibition of torture:<ul style="list-style-type: none">- Article 26 of the Constitution- Article 17 of the Criminal Procedure Code- Article 88 of the Criminal Procedure Code• Definition of torture:• Penalties: Article 235 of the Criminal Code
Languages Available	<ul style="list-style-type: none">• English
Other Relevant Information	

Relevant Articles – UZBEKISTAN

ENGLISH (Translation)

Constitution of 8 December 1992 (as amended by the Law of RU No. 989-XII, 28 December 1993 and Law No. ZRU-89, 11 April 2007)

Article 26

No one may be adjudged guilty of a crime except by the sentence of a court and in conformity with the law. Such a person shall be guaranteed the right to legal defense during open court proceedings.

No one may be subject to torture, violence or any other cruel or humiliating treatment.

No one may be subject to any medical or scientific experiments without his consent.

Criminal Code of 22 September 1994

Article 97 Intentional Killing

Intentional killing shall be punished by imprisonment from ten and fifteen years.

Aggravated intentional killing, that is:

- a) of at least two persons;
- b) of a woman known to be pregnant;
- c) of a person known to be helpless;
- d) of a person or his close relatives in connection with his performing a professional or civil duty;
- e) by a way endangering other people's lives;
- f) during a riot;
- g) with abnormal brutality;
- h) with rape or forced sexual intercourse in an unnatural form;
- i) from mercenary motives;
- j) due to ethnic or religious hatred;
- k) due to hooliganism;
- l) due to religious prejudices;
- m) with a purpose of obtaining a transplant or using parts of a corpse;
- n) with a purpose to conceal a crime or to facilitate commission thereof;
- o) committed by a group of individuals, or by a member of an organized criminal group in its interests;
- p) committed repeatedly or by a dangerous recidivist;

q) committed by a special dangerous recidivist;
shall be punished with imprisonment from fifteen up to twenty years or by capital penalty.

Article 104 Intentional Infliction of Serious Bodily Injury (As amended by the Law of 29.08.2001)

Infliction of intentional serious bodily injury endangering life at the moment of inflicting thereof or causing a loss of eyesight, of hearing, aphasia, or a member of a body, or disability of a member of a body, mental or any other illness, aggravated by stable disability over thirty three per cent, or interruption of pregnancy, or disfigurement of a body –
shall be punished with imprisonment from three to five years.

Intentional serious bodily injury inflicted:

- a) to a woman known to be pregnant;
- b) to a person or his close relatives in connection with his performing a professional or civil duty;
- c) with abnormal brutality;
- d) during a riot;
- e) from mercenary motives;
- f) due to hooliganism;
- g) due to ethnic or religious hatred;
- h) due to religious prejudices;
- i) with a purpose of obtaining a transplant
- j) by a group of individuals –

shall be punished with imprisonment from five to eight years.

Intentional serious bodily injury:

- a) inflicted to at least two persons;
- b) inflicted repeatedly, by a dangerous recidivist, or by a person who previously committed a intentional killing envisaged by Article 97;
- c) inflicted by a special dangerous recidivist;
- d) inflicted by a member of an organized criminal group in its interests;
- e) resulting in a death of a victim –

shall be punished with imprisonment from eight to ten years.

Article 105 Intentional Infliction of Medium Bodily Injury

Intentional infliction of medium bodily injury not endangering life at the moment of inflicting thereof and not resulting in consequences envisaged by Article 104 of this Code, but resulting in a durable illness from twenty-one day to four months, or significantly stable disability from ten to thirty three per cent–

shall be punished with correctional labor up to three years or by imprisonment up to three years.

Intentional serious medium bodily injury inflicted:

- a) to at least two persons;
- b) to a woman known to be pregnant;

- c) to a person or his close relatives in connection with his performing a professional or civil duty;
- d) with abnormal brutality;
- e) during a riot;
- f) from mercenary motives;
- g) due to hooliganism;
- h) due to ethnic or religious hatred;
- i) due to religious prejudices;
- j) committed by a member of an organized criminal group in its interests;
- k) inflicted repeatedly, by a dangerous recidivist, or by a person previously inflicted an intentional serious bodily injury envisaged by Article 104, or committed a intentional killing envisaged by Article 97;
- l) inflicted by a special dangerous recidivist –

shall be punished with imprisonment from eight to ten years.

Article 235 Use of torture or other cruel, inhuman or degrading treatment or punishment (as amended in August 2003)

The use of torture or other cruel, inhuman or degrading treatment or punishment, i.e. illegal exertion of mental or physical pressure on a suspect, accused person, witness, victim or other party to criminal proceedings, or on a convict serving sentence, or on close relatives of the above, by a person carrying out an initial inquiry or pretrial investigation, a procurator or other employee of a law-enforcement agency by means of threats, blows, beatings, cruel treatment, victimization, infliction of suffering or other illegal acts in order to obtain from them information of any kind or a confession, or to punish them arbitrarily for action they have taken, or to coerce them into action of any kind: shall be punishable by up to three years' punitive attachment of earnings or deprivation of liberty for up to three years.

The same conduct, perpetrated:

- (a) With violence such as to imperil life or health, or with the threat of such violence;
- (b) On any grounds stemming from ethnic, racial, religious or social discrimination;
- (c) By a group of individuals;
- (d) More than once;
- (e) Against a minor or a woman whom the culprit knows to be pregnant;

shall be punishable by three to five years' deprivation of liberty;

The conduct referred to in the first and second subparagraphs of this article shall, if it results in serious bodily harm or other grave consequences, be punishable by five to eight years' deprivation of liberty and forfeiture of a specified right.

Criminal Procedural Code of 1994 (Law No. 2013-XII of the RU,
22 September 1994)

Article 17 Respect of the person's honor and dignity

The judge, procurator, investigator and inquiry officer shall respect honor and dignity of the persons, who participate in the case.

No one shall be subjected to torture, violence, and other cruel or degrading treatment.

It is prohibited to behave or render decisions, which are degrading, lead to the disclosure of information on the circumstances of personal life, and create a threat to health of individual, as well as cause unreasonable physical or moral suffering.

Article 88 Protection of rights and legal interests of citizens, enterprises, agencies and organization during substantiation

During collection, verification and evaluation of evidence, full protection of rights and legal interests of citizens, enterprises, agencies and organizations shall be provided.

Substantiation shall exclude:

- 1) any actions dangerous for life and health of a person or humiliating his dignity;
- 2) seeking for testimonies, explanations, conclusions, conduct of experimental actions, production and issue of documents or items by means of violence, threat, fraud and other illegal measures;
- 3) conduct of investigating actions during the night time, i.e. from 22:00 till 6:00 except for the cases this may be required to prevent a crime being prepared or committed, avert possible loss of evidence or escape of the suspect, render situation of the event investigated during the experiment.

The inquiry officer, the investigator, the procurator, the judge and other persons, except for doctors, participating in the case in the capacity of a specialist or an expert may not be present when a person of the opposite sex is bared for the purpose of investigating or legal action.

The inquiry officer, the investigator, the procurator, the judge shall adopt all measures for non-disclosure of the information revealed during the investigation and legal proceedings about the private life of the suspect, the accused, the victim and other persons. For this purpose the group of persons present during the investigating or legal action, that may reveal such information, shall be restricted and the persons present shall be notified on the responsibility for such disclosure.

The items and documents seized during investigating and legal actions shall be accurately described in the respective protocols while the owner of such document or item shall be provided with a copy of the protocol or extract therefrom. The items and documents irrelevant to the case shall be immediately returned to the owners. The items and documents that may not be kept by citizens shall be destroyed or transferred to the institutions and organizations entitled to hold and use such items and documents.