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**REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD
CONFERENCE ON HUMAN RIGHTS**

**REPORT OF THE MISSION TO KYRGYZSTAN BY THE OFFICE
OF THE UNITED NATIONS HIGH COMMISSIONER FOR
HUMAN RIGHTS (OHCHR) CONCERNING THE EVENTS IN
ANDIJAN, UZBEKISTAN, 13-14 MAY 2005**

Report of the High Commissioner for Human Rights

Summary

Events in Andijan, Uzbekistan, between 12 and 14 May 2005 resulted in the deaths of between 176 and possibly several hundred more men, women and children. In response to these events, the High Commissioner for Human Rights called on the Government of Uzbekistan to permit the deployment of an independent investigation to Uzbekistan. Since no positive response was received, the High Commissioner decided to send a mission of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to neighbouring Kyrgyzstan, from 13 to 21 June 2005. The purpose of the mission was to gather information from eyewitnesses who had fled to Kyrgyzstan and as a preparatory step for the eventuality of agreement on an independent, international investigation.

This report does not purport to be a full reflection of what occurred in Andijan, which can only be established on the basis of a comprehensive, independent, international inquiry with appropriate access to Uzbekistan. The objective of this report is to reflect the unfolding of events as they emerged from the largely consistent accounts given to the OHCHR mission by the eyewitnesses interviewed in Kyrgyzstan. The report focuses on the widespread allegations of grave violations of human rights that emerge from these accounts and makes recommendations confirming the necessity for further investigation.

The consistent and credible testimonies of eyewitnesses strongly suggest that grave human rights violations, mostly of the right to life as enshrined in article 6 of the International Covenant on Civil and Political Rights and article 24 of the Constitution of Uzbekistan, were committed by Uzbek military and security forces. Several provisions of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials were violated. It is not excluded - judging from the accounts of the eyewitnesses interviewed - that the incidents amounted to a mass killing.

In the light of these findings, the recommendations contained in the present report include:

(a) The need to establish an international commission of inquiry, which should be tasked with the investigation of any serious violations of human rights committed during the events in Andijan and in events related to them, and to establish the facts and circumstances concerning such violations and those responsible for them. This commission should include forensic and ballistic expertise as well as crime scene investigators. It should enjoy the full cooperation of the Government of Uzbekistan. The Commission should be requested to recommend any further action that it deems necessary;

(b) The urgent need for a stay of deportation to Uzbekistan of the Uzbek asylum-seekers and eyewitnesses of the Andijan events who would face the risk of torture if returned. As the United Nations High Commissioner for Refugees has already indicated, the recognized Uzbek refugees as well as the asylum-seekers in Kyrgyzstan urgently need to be relocated to a third country, and has taken appropriate initiatives. The international community, under the guidance of UNHCR, should assume this task;

(c) The international community must be granted access to the four asylum-seekers who were deported from Kyrgyzstan to Uzbekistan;

(d) In light of the consistent pattern of human rights violations in Uzbekistan, the international community may also consider the need to create a public mechanism of the Commission on Human Rights.

Based on the results of the OHCHR mission, the United Nations High Commissioner for Human Rights, on 23 June 2005, addressed a letter to the President of the Republic of Uzbekistan reiterating her call for an independent international investigation. No response has yet been received.

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Introduction

1. The incidents in Andijan, Uzbekistan, that occurred between 12 and 14 May 2005 resulted in the deaths of between 176 and possibly several hundred more men, women and children. About 500 survivors of these incidents fled Andijan, crossed the border into Kyrgyzstan and were, at the time of the mission, located in a tent camp near Jalalabad (Kyrgyzstan).
2. On 18 May 2005, the High Commissioner for Human Rights called for an international investigation into the causes and circumstances of the incidents in Andijan. The Secretary-General supported this call. However, no positive response has so far been received. The High Commissioner thus decided to send a mission from her Office to neighbouring Kyrgyzstan.
3. This mission was tasked with collecting information on the causes and circumstances of the incidents in Andijan and was intended as a preparatory step for a possible independent international investigation into these events. In particular, the mission sought:
 - To gather information from eyewitnesses and others having credible knowledge of the events in and around the city of Andijan, since 12 May 2005, with regard to the allegations of serious violations of human rights which took place there during that time;
 - To the extent possible, to establish the facts and circumstances concerning such violations and those responsible for them;
 - To make recommendations on the necessity for further investigation.
4. The mission was carried out from 13 to 21 June 2005 in Kyrgyzstan. The main source of information underlying the mission's findings were the extensive meetings and interviews held with the eyewitnesses of these events. In particular, the mission interviewed 38 Uzbek eyewitnesses in the Jalalabad camp and detention facilities in Jalalabad and Osh (some of the eyewitnesses who had been separated from the camp were held in these detention facilities). In addition to these interviews, OHCHR collected 62 written testimonies of eyewitnesses of the Andijan events who were in the camp.
5. The interviews followed an established pattern and the interviewees were asked the same questions in an agreed order, individually or in the presence of someone they trusted. Before starting the interview, the purpose of the mission, its terms of reference and the fact that the names and testimonies would be kept confidential were explained to the persons concerned.
6. This report does not purport to be a full reflection of what occurred in Andijan; its objective is to reflect the unfolding of events as they emerged from the accounts given to the OHCHR mission by the witnesses interviewed in Kyrgyzstan. The report focuses on the credible allegations of grave violations of human rights that emerge from these accounts and makes recommendations on the necessity for further investigation.

7. Based on the results of the mission, the High Commissioner addressed a letter to the President of Uzbekistan on 23 June 2005, reiterating her call for an independent international investigation. This was considered especially important because the information received from the Government of Uzbekistan on the events in Andijan significantly differed from the accounts the OHCHR mission received from the eyewitnesses.

I. THE TRIAL PRECEDING THE ANDIJAN EVENTS

8. Consistent accounts of eyewitnesses who escaped the Andijan events linked the demonstration that took place on 13 May 2005 to the trial of 23 persons, which had started on 11 February 2005.

9. The persons on trial, referred to as businessmen in this report, were active in various areas of food, textile and goods production and merchandise in Andijan. They had provided employment to several thousand workers in the region until their arrest in the summer of 2004.

10. The mission interviewed 6 of the 23 businessmen. They, as well as relatives and former employees of the others, told the mission that the businessmen were exposed to repeated threat of or actual physical, sexual and mental abuse while in pretrial detention. They also claimed to have been forced to sign confessions. Moreover, it was said that they had very limited access to lawyers and family members during this period. From the information the mission was able to gather from some of the defendants and persons who attended the court trial, the trial was widely perceived as unfair.

11. According to consistent reports from eyewitnesses, demonstrations had been held in front of the court building every day throughout the trial. The number of protesters allegedly increased to several hundreds or thousands towards the end of the trial.

II. THE ANDIJAN EVENTS OF 13 MAY 2005

12. Two events preceded the demonstration that took place on 13 May 2005 in Babur square, which is the main square in Andijan. One was the seizure by unknown elements of the Andijan prison, during which the prisoners were set free, and, in parallel or later after that, the seizure of the regional administration (*Khokimiyat*). The OHCHR mission received limited information on both of the events. But what actually happened requires further a deeper investigation, as it seems to have had an impact on the unfolding of the events that followed.

13. From the little information at the disposal of the mission and according to interviews with persons who had been present in the prison during the night of 12 May, there was shooting in or around the prison at around midnight while prisoners were sleeping. Most witnesses claimed that the door cells were suddenly opened, either by other prisoners or by individuals who were not identifiable because it was dark. The people freed and interviewed did not recall whether there were any guards in the corridor, although some claim to have seen civilians inside the prison. There are consistent accounts that two guards were lying near the entrance gate of the prison, either dead or wounded. Bearing this in mind, it is not clear whether the prisoners were set free with internal or external assistance.

14. Eyewitnesses stated that later on an unidentified person in the crowd outside the prison said that the prisoners could claim their rights and convene a meeting in the main square. One of those eyewitnesses heard a comment to the effect that President Karimov would be coming to Andijan. According to persons interviewed, a group of prisoners walked toward the centre of the town, where they arrived at dawn.

15. There were also accounts of a seizure of the building of the regional administration (*Khokimiyat*), either in parallel to the above event, or after that. However, the mission has only limited information about the existence, details or perpetrators of this event.

16. While the majority of the interviews conducted by the mission gave the impression that there was no general information available on any upcoming major event on 13 May, individual testimonies suggest the possibility that word of a meeting in the main square might well have been passed around, though to what intent and originally by whom remains unclear. A relative of one of the businessmen claims to have received an anonymous phone call on 12 May, announcing that a meeting would be held in the main square the next day, and told the mission that several other families of the businessmen had received similar phone calls. According to several accounts, some children were told at school that the school year would end this year on 12 May and not, as usual, on 25 May.

17. The large majority of interviewees however learnt that a meeting was going to take place in the main square only in the morning hours of 13 May, some claiming to have learned of the event on their way to the market or at the market itself. Those interviewed stated that already very early on 13 May, it was apparent that this meeting was a unique opportunity to voice and openly share their concerns. Moreover, according to eyewitnesses, the demonstration on that day had to be seen in the context of the previous demonstrations linked to the trial of the businessmen.

18. Reaching the square, however, was not unproblematic. Repeatedly, the mission was told by those interviewed that roadblocks were set up within a radius of approximately 5 kilometres from the centre. Generally, traffic police together with military soldiers, were present at these roadblocks. At some of them, there also were armoured personnel carriers (APCs). Consistently, the mission was told that cars were not allowed to pass the roadblocks, at least not those closer to the square, but some persons interviewed said that there was no difficulty in approaching the square on foot. The mission was told that no information about potentially unsafe conditions in the city centre had been given by the security officers present at the roadblocks to people wanting to go through.

19. According to several people interviewed by the mission, by 6 a.m. a significant number of persons, "at least 100" according to one witness, had gathered at the square, and more were gradually arriving. The mission was given an estimate by those interviewed that by 9 a.m., between 2,000 and 3,000 had arrived. In the early hours of the day, eyewitnesses told the mission, people mostly discussed common concerns among themselves. Later, a microphone and loudspeakers were installed on a podium in the square.

20. It was repeatedly stated that from approximately 9 a.m. on, there was a consistent pattern of increasingly intensive shootings taking place at regular intervals up until the afternoon. It is

unclear what provoked this shooting. Several witnesses told the OHCHR mission that approximately every one to two hours, an APC followed by a truck full of armed soldiers drove towards the square shooting indiscriminately into the crowd. According to those interviewed, on each occasion the intensity of the shootings increased. There had been no warnings prior to the shootings. As of 9 a.m., several persons were reported to have been killed.

21. One particular incident was singled out by several eyewitnesses, namely that of a boy who was allegedly killed outside the *Khokimiyat*. According to one of these witnesses, persons in the crowd who had observed the killing “wanted to kill the soldiers on the spot, but armed civilians intervened”. Another witness told the OHCHR mission that “people were so angry that when they saw security officers, some even in civilian clothes, they disarmed them and brought them inside the *Khokimiyat*”, which allegedly had been seized earlier that same day.

22. This incident appears to have been the first sign of hostage-taking that could possibly have been going on until the afternoon, allegedly as a response to the repeated shootings by the security forces. Witnesses who were inside the *Khokimiyat* told the mission that they had seen wounded people on the first floor who were being given first aid. They suspected that the second floor of the building was being used to keep hostages taken during the day in response to the shootings; but they did not have access to that floor. Some of them had observed the presence of armed civilians inside the building.

23. Shortly after midday, one eyewitness claims to have seen 30 to 50 persons who had died during the shooting, while others gave figures twice as high. According to eyewitnesses, the crowd did not want to leave the main square in the hours that followed, although they were frightened after having witnessed the shootings in the morning. In anticipation of the possible arrival of President Karimov, they understood that this was their first and possibly last opportunity to openly express their problems and concerns about the present situation. Moreover, as much as discontent with the local authorities was undoubtedly strong, the interviewed persons stayed in the square out of an expressed belief that once the President had been made aware, their situation would improve.

24. Between 5 and 6 p.m., intensive shooting aiming at the crowd gathered in the square started from three sides. Witnesses related that the crowd made attempts to leave the square, but that all exits were blocked except one, Cholpon Prospekt, to the north. As one witness said to the mission: “I suddenly realized I was trapped like a mouse.” The mission was repeatedly told that both the main square and the surrounding streets were full of people by that time.

25. According to eyewitness accounts, the crowd was divided into one smaller group of approximately 300 persons and one larger column, which included a majority of women and children who were in the middle. In front of each group, hostages were placed who had been taken out of the *Khokimiyat*, approximately 10 and 25, respectively. According to eyewitnesses, the demonstrators put the hostages in front of both groups with the reasoning that the military and security forces would not shoot at their own people and representatives of the authorities. The two groups left the square, going north towards the Cholpon cinema. When the first group reached the intersection of Cholpon Prospekt and Ulitsa Parnovaia, approximately half-way to the cinema, the crowd realized that the side streets were blocked by buses. The OHCHR mission was given consistent and detailed accounts that it was at that point that the most intensive

shooting started, aiming at the crowd, demonstrators and hostages alike. The continuous shooting came from the end of Cholpon Prospekt where APCs were placed, from soldiers at the sides of the street and from snipers shooting from houses and shops along the street. Eyewitnesses said unequivocally that they had been caught in an ambush.

26. According to eyewitnesses who were in the second group, there were bodies lying on top of each other on Cholpon Prospekt. People were running over these bodies to escape the shooting. One witness described how she was shocked with herself as her fear had compelled her to run over corpses and the wounded. It appears that the shooting intensified even more as the civilians moved further north. Eyewitnesses reported that people were trying to hide behind trees but were shot by snipers. Estimates put forward by the witnesses with regard to the number of persons killed during that most intensive shooting vary between 200 and 700. One witness said that "soldiers were shooting at everybody lying on the ground. This applied to wounded, dead and living people alike". Another witness said that "everybody that moved or raised his or her head was shot at again".

27. Interviewees reported that those who were still alive found an escape route down the narrow and uneven Ulitsa Baynal Minal. According to some witnesses, approximately 1,000 persons were fleeing down this track during the shooting.

28. According to two eyewitnesses, soldiers then walked down the Cholpon Prospekt killing more of the wounded. Accounts by the same eyewitnesses confirmed that APCs were driving over corpses and the wounded on the ground. During the day, rumours had circulated that those wounded who had been sent to the hospital were also killed: one wounded eyewitness transferred to the hospital corroborated this.

29. A number of persons interviewed by the OHCHR mission noted that a significant part of the soldiers seen during the day were most likely not from Andijan or the region. Often they were referred to by witnesses as Special Forces (*spetsna*). Some even mentioned that the soldiers were significantly taller than those they saw on a daily basis in the city and had a different skin complexion. An underlying assumption appears to have been that soldiers from Andijan would not shoot at their own people. In addition, many eyewitnesses mentioned that they had seen armed persons dressed in civilian clothes, under which they wore military uniforms; some of these had been observed in the crowd in the main square.

30. According to those interviewed, the group that escaped through Ulitsa Baynal Minal reached the border village of Teshik-Tash after having walked for more than 10 hours. Witnesses told the mission that soldiers were already waiting for them there. In an attempt to pass a roadblock, 10 people, mostly women, were reportedly killed, as well as 2 local villagers. Once the group reached the border, they made several attempts to cross it. A few men seem to have crossed the river, while after negotiations with the border authorities, the others eventually were allowed to cross the bridge into neighbouring Kyrgyzstan.

31. The OHCHR mission was unable to receive information on what happened in Andijan after the events on 13 May 2005, as the persons interviewed were in Kyrgyzstan from that time on.

32. Accounts of the events and the total death toll vary according to sources. On the one hand, the Prosecutor-General of Uzbekistan put the total death toll at 173. Other claims, however, suggest that the true death toll is significantly higher. The Organization for Security and Cooperation in Europe (OSCE) estimates, for example, set the death toll somewhere between 300 and 500; while OHCHR received information that some 400 bodies were piled up around school No. 15 opposite from the Cholpon cinema in the early morning of 14 May 2005. OHCHR also obtained information that employees of the morgue in Andijan were forced to forge death registries. These significantly diverging estimates corroborate the necessity of independent investigations to establish the facts and circumstances of the killings.

III. THE SITUATION OF THE UZBEK ASYLUM-SEEKERS

33. After having stayed for three weeks in a camp very close to the Uzbek/Kyrgyz border and following appeals by UNHCR concerned for their safety, those who had fled Andijan were moved further into the territory of Kyrgyzstan. These Uzbeks have since been registered as asylum-seekers by the Kyrgyz authorities.

34. On 9 June 2005, 16 Uzbek asylum-seekers were separated from the group and taken by the Kyrgyz authorities to the detention facilities in Jalalabad, following an extradition request by the Uzbek Prosecutor-General stating that the persons were criminals. Four of them were returned that same day to Uzbekistan, without the knowledge of UNHCR, and they are now presumed to be in the custody of the Uzbek authorities. No international agency has been granted access to these four persons. Several days later, the remaining 12 were moved from Jalalabad to a bigger detention facility in Osh. They were transported through Uzbek territory, making it impossible for UNHCR to accompany the transport the whole way.

35. In the evening of 16 June 2005, another 17 asylum-seekers were taken out of the camp, again based on an extradition request by the Prosecutor-General of Uzbekistan, and transferred first to the Jalalabad detention facilities and later to Osh, and again through Uzbek territory. OHCHR has received information that the Prosecutor-General of Uzbekistan has submitted another extradition request concerning more than 100 persons.

36. Given the return of 4 asylum-seekers to Uzbekistan and the removal of 29 of them from the camp to detention facilities, there is a strong and widespread fear among the remaining asylum-seekers in the camp with respect to their fate.

37. The High Commissioner for Human Rights and the High Commissioner for Refugees have jointly urged the Government of Kyrgyzstan not to return any more Uzbek asylum-seekers until process to determine their status has been concluded in line with international standards.

V. INTERNATIONAL STANDARDS AND THE ANDIJAN EVENTS

38. Fundamental human rights must be respected in times of peace and in times of conflict. While international law recognizes the right of States to take measures to maintain or re-establish their authority and law and order, or defend their territorial integrity, it requires that measures taken must be consistent with human rights and humanitarian law.

A. International legal framework: human rights treaties and other obligations

39. Uzbekistan has ratified six of the seven major human rights treaties, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. In addition, Uzbekistan is party to the Optional Protocol to ICCPR.

40. Uzbekistan, as a Member State of the United Nations, should also ensure respect for and compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana, 27 August to 7 September 1990). These principles require law enforcement officials to apply certain rules in order to maintain public safety and social peace while protecting and preserving the right to life, liberty and security of the person.

B. Assessment of the situation in Uzbekistan by United Nations human rights bodies

41. Uzbekistan is under consideration by the Commission on Human Rights under the confidential procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3. Under this procedure, the Commission considers country situations demonstrating a consistent pattern of gross and systematic violations of human rights and fundamental freedoms, and has appointed an independent expert to follow the situation of human rights in Uzbekistan.

42. The main relevant concerns identified by the United Nations human rights treaty bodies and the special procedures of the Commission can be summarized as follows: violations of the right to life, in particular the execution of prisoners under sentence of death despite requests for interim measures by the Human Rights Committee; violations of the principle of prohibition of torture, in particular the systematic and widespread use of torture, the high numbers of convictions based on confessions extracted by torture and the use of “solved crimes” as a criterion for the promotion of law enforcement personnel; violations of fair trial provisions, in particular the lack of access to legal counsel, the lack of independence of the judiciary and of the respect of the principle of “equality of arms”; the lack of a definition of “terrorist acts”; and violations of freedom of opinion and expression, of the press and media and of freedom of association and freedom of religion.

C. Violations of international obligations

43. Besides violating national legislation, in particular article 24 of the Constitution, the killings of a significant number of people, including women and children, and the subsequent killing of people having been wounded would amount to a massive violation of article 6 of the International Covenant on Civil and Political Rights, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

44. As a State party to the ICCPR, the Government of Uzbekistan must at all times and under any circumstances adhere to the non-derogable rights enumerated in article 4, paragraph 2, of the Covenant. These include the protection from arbitrary deprivation of the right to life, the prohibition of torture or cruel, inhuman or degrading punishment, and freedom of thought, conscience and religion. It must not apply discriminatory policies.

45. The armed and security forces, by shooting at the people, would appear to have violated the following provisions of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials: general provisions 4 and 5 (a) to (d) and special provisions 9 and 10, in conjunction with 12 to 14.

46. In particular, principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides important safeguards on the use of firearms against persons except in certain circumstances. These include self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, or to arrest a person resisting authority. Principle 9 permits the use of firearms “only when less extreme means are insufficient to achieve these objectives” and in any event, “intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life”.

47. It would appear from the events that unfolded in Andijan and described above that these safeguards were not respected. The armed and security forces seem to have used force in an indiscriminate and disproportionate manner and went significantly beyond self-defence or any legitimate intent to re-establish law and order. The accounts described earlier also indicate that the actions were not taken by these forces with the intention to defend or protect the lives of other persons (hostages), since they appear to have been shooting indiscriminately at the crowd, which included demonstrators and hostages alike.

48. Moreover, the demonstrators do not appear to have posed a direct threat that would have justified the killing of hundreds of people. In the view of those interviewed, the actions of the armed and security forces were taken less with the intent of establishing law and order and re-arresting the prisoners who had escaped from the prison, but rather with the aim of killing as many people as possible, including women and children.

49. It is particularly disturbing that it appears that the armed and security forces did not attempt to resort to non-violent means before the use of firearms, did not give a clear warning of their intent to use firearms, and did not exercise restraint in the use of such arms.

V. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

50. From the interviews conducted by the mission, there is strong, consistent and credible testimony to support the following conclusions:

(a) On 13 May 2005, grave human rights violations, mostly of the right to life, were committed by Uzbek military and security forces. It is not excluded - based on what was described by the eyewitnesses interviewed - that the incidents amounted to a mass killing.

(b) The demonstration at Babur square was a public expression of discontent related to the trial of the 23 businessmen whose arrest had created financial and personal hardship to the population in and around Andijan;

(c) Although the events that took place in the early hours of 13 May 2005 may have constituted a serious threat to law and order, it appears that the armed forces did not take any measures to protect life and did not warn people against gathering at Babur square;

(d) The armed and security forces did not attempt to resort to non-violent means before using firearms, did not give a clear warning of their intent to use firearms and did also not restrain the use of such arms, in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(e) The existence, details and perpetrators of the seizure of the regional administrative building, the seizure of the prison and the release of prisoners from it could not be reliably verified and therefore require clarification by a comprehensive investigation.

B. Recommendations

51. A properly funded and resourced international commission of inquiry needs to be established promptly. The commission should be tasked with investigating any serious violations of human rights committed during the events that occurred in Andijan between 12 and 14 May 2005 and other related events, and establishing the facts and circumstances concerning such violations and, to the extent possible, those responsible for them. This would also entail an inquiry into whether the court trial against the 23 businessmen was conducted in compliance with international human rights standards. The commission should include forensic and ballistic expertise as well as crime scene investigators. It should enjoy the full cooperation of the Government of Uzbekistan. It should be provided with the necessary means to enable it to fulfil its mandate and should, in particular, be guaranteed freedom of movement, free access to all relevant places and to all relevant documents, freedom to meet and interview all persons in possession of information considered necessary by the commission in conditions of privacy and confidentiality, and appropriate security arrangements by the Government for personnel and documents, without restriction on freedom of movement, as well as guarantees for the safety and the security of victims and witnesses cooperating with it. The commission should be requested to recommend any further action that it deems necessary.

52. In the light of the diverging information on the death toll, such an inquiry should also establish what has happened to the bodies of those who were killed. There is also an urgent need to trace those who have disappeared. Efforts at family reunification must also be made for those who have survived.

53. Responsibility, including criminal responsibility for the action, and the identity of those who took over the prison and other government property or who caused damage to State officials needs to be carefully reviewed and further investigated.

54. **The Government of Uzbekistan should ensure adequate compensation for the families of the victims and for those whose property was destroyed or damaged during the events.**

55. **There is an urgent need for a stay of deportation to Uzbekistan of the Uzbek asylum-seekers and eyewitnesses of the Andijan events who would face the risk of torture if returned. As UNHCR has already indicated, the recognized Uzbek refugees as well as the asylum-seekers in Kyrgyzstan urgently need to be relocated to a third country, and has taken appropriate initiatives. The international community, under the guidance of UNHCR, should assume this task.**

56. **The international community must be granted access to the four asylum-seekers who were deported from Kyrgyzstan to Uzbekistan.**

57. **In light of the consistent pattern of human rights violations in Uzbekistan, as outlined by observations by the United Nations human rights treaty bodies and reflected in the recommendations made by special procedures of the Commission on Human Rights, the international community may also consider the need to create a public mechanism of the Commission on Human Rights, by appointing a country-based special rapporteur or independent expert, with the mandate to report on progress made in the effective implementation of international human rights norms, in their translation into practice at the national level, and in ensuring the rule of law in Uzbekistan, to the Commission as well as to the General Assembly.**
