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**Promotion and protection of human rights: human
rights situations and reports of special rapporteurs
and representatives**

**Letter dated 1 November 2006 from the Permanent
Representative of Uzbekistan to the United Nations addressed
to the Secretary-General**

I have the honour to forward the comments of the Republic of Uzbekistan on the report of the Secretary-General on the situation of human rights in Uzbekistan (A/61/526) (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the sixty-first session of the General Assembly, under agenda item 67 (c).

(Signed) Alisher **Vohidov**
Permanent Representative



Annex to the letter dated 1 November 2006 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Comments by the Republic of Uzbekistan on the report of the situation of human rights in Uzbekistan (A/61/526) of 18 October 2006*

Summary

The present comments by Uzbekistan are submitted in response to the report on the situation of human rights in Uzbekistan (A/61/526) of 18 October 2006, prepared pursuant to General Assembly resolution 60/174 of 16 December 2005. It is evident from the content of the report that its compilers lacked any objective information about the actual situation relating to human rights in Uzbekistan or were unwilling to use such information, notwithstanding the repeated submission by the Uzbek authorities of detailed information on all the issues raised in the report. Uzbekistan does not accept most of the assertions made in the report and calls for the repudiation of attempts to discredit the lofty ideals of the United Nations by resorting to political machinations, double standards and a selective approach to information.

I. Introduction

1. Uzbekistan remains convinced that the consideration of the human rights situation in the country at the sixtieth session of the United Nations General Assembly was undertaken without any real justification and that it had nothing to do with the actual state of affairs in Uzbekistan but pursued other goals altogether.

From the very first days of Uzbekistan's independence, priority has been accorded to upholding and protecting human rights. The Uzbek Government abides by the principle of the supremacy of human interests and does all in its power to uphold the universally accepted rights and freedoms of its citizens. Sovereign States should endeavour to improve their democratic institutions on the basis of their own history, culture and traditions. Accordingly, in joining the generally held view that the United Nations needs to be reformed to bring it more closely into line with modern realities, Uzbekistan is convinced that international organizations should set as their priority the promotion of development, including that of democratic institutions, while respecting the domestic choices and particular traditions of the plenipotentiary members of the United Nations.

2. Uzbekistan points out that the Uzbek Government did not provide any information on the implementation of resolution 60/174 (A/60/914, annex), but set forth its position on the substance of the issues raised in the resolution.

* Headings and paragraph numbers in the present report correspond to those in the report of the Secretary-General (A/61/526).

II. Implementation of General Assembly resolution 60/174

A. Developments relating to the aftermath of the Andijan events

Implementation of the recommendations contained in the report of the mission to Kyrgyzstan of the Office of the United Nations High Commissioner for Human Rights

3. The substance and findings of the report of the OHCHR mission that visited Kyrgyzstan from 13 to 21 June 2005 do not reflect the real situation and are based on allegations by individuals who took part in activities of a terrorist nature and who also managed to secure their unauthorized release from places of detention in which they were being held for the commission of criminal offences.

The OHCHR report was prepared in violation of the principles of the mandate of the High Commissioner, as set forth in General Assembly resolution 48/141 and Security Council resolutions 1269 (1999) of 19 October 1999 and 1373 (2001) of 28 September 2001, which stipulate that refugee status is not to be granted to terrorists.

As for the independent international investigation into the events that took place in Andijan in May 2005, the Republic of Uzbekistan, as an independent and sovereign State which has at its disposal all the necessary resources to conduct a full-scale investigation into the circumstances surrounding the tragic events in Andijan, is fully entitled, on its own authority, to take a decision to investigate matters pertaining to its national security and lying exclusively within its own jurisdiction. In accordance with the rules of international law, an international inquiry is only carried out when the State itself requests the conduct of such an inquiry, on the grounds that its own authorities lack the competence to conduct it or in the event of the collapse of the State, and also if the situation which has arisen poses a direct threat to the maintenance of international peace and security.

4. The request by the Special Rapporteur on extrajudicial, summary or arbitrary executions of the then Commission on Human Rights was received shortly after the Andijan events. At that time the country's law-enforcement agencies were conducting wide-ranging investigations, on the outcome of which judicial hearings were held. As a result, the country's law-enforcement system was operating under particular stress.

5. Uzbekistan remains firmly convinced that the Committee on the Rights of the Child has competence to consider matters relating to implementation of the Convention on the Rights of the Child. Accordingly, Uzbekistan is somewhat nonplussed by the observation by that Committee urging it "to establish an independent commission of inquiry into the incidents of 13-14 May 2005 in Andijan, and to invite ... special procedure mandate holders ... to visit the country", which lacks any firm basis. For its part, Uzbekistan urges the Committee on the Rights of the Child to desist from activities which do not fall within its competence.

6 and 7. Immediately after the tragic events in Andijan, the Uzbek Government announced its undertaking to conduct a transparent and objective investigation. An independent parliamentary commission of inquiry and an international task force to monitor the inquiry, comprising members of the diplomatic corps accredited to

Tashkent, were set up and furnished with all the necessary conditions to ensure the impartiality of the findings.

The Western countries rejected the invitation by the Uzbek authorities and refused to join the international monitoring group, thereby manifesting their unwillingness to engage in cooperation and dialogue.

Trials related to the events in Andijan

8. A public trial was held from 20 September to 14 November 2005 of 15 persons who had been actively involved in organizing and conducting the events in Andijan. During the trial, observers had the opportunity to familiarize themselves with all the investigation materials, statements by witnesses, victims and civil plaintiffs and with the entire body of evidence (audio and video materials, findings of numerous forensic studies, incident scene reports, confiscated weapons, some seized during raids on paramilitary facilities and others brought in by terrorists from outside, etc.). In essence, the OSCE/ODIHR experts were able to follow the entire process of examination by the court of the body of evidence described above.

The ODIHR report does not cite a single recorded violation of due process during the legal proceedings. The report is replete with mere allegations that have no foundation in fact.

The ODIHR report puts forward a biased and unsubstantiated finding that ODIHR representatives were denied free access to defendants and case materials.

Under the Uzbek Code of Criminal Procedure, the questioning of suspects, persons charged with offences and defendants in trials, together with other procedural actions during the pretrial investigation stage, is conducted by officials carrying out the initial inquiry, investigators, procurators and judges, with the participation of legal counsel.

The provisions referred to above and existing practice are not at variance with the rules of international law or, in particular, the OSCE human dimension commitments, to which ODIHR refers in its report.

9. In their references in the report to the use of unverified sources, the OSCE/ODIHR representatives are groundlessly questioning the fairness of the trial. All defendants were provided with the services of lawyers, who had free access to their clients.

Throughout the proceedings the OSCE representatives were able to observe for themselves the examination of the statements of victims, civil plaintiffs and witnesses (some 300 people in all). They were also able to witness the direct adversarial nature of the trial, which was conducted with the participation of defence lawyers — groundlessly described in the report as inadequate defence.

The ODIHR representatives chose to ignore the fact that both sides (defence and prosecution) enjoyed identical conditions and opportunities for the impartial and adversarial conduct of the trial.

From the very outset the lawyers took an active part in the proceedings, ensuring that the interests of the defendants were fully protected from the moment of their arrest, throughout the pretrial investigation and also in the court itself.

Neither during the pretrial investigation, nor during the trial itself did the defendants apply for their defence lawyers to be dismissed and replaced with others.

During the proceedings, the presiding judge afforded the lawyers every opportunity to question the defendants and to conduct cross-questioning for the benefit of their clients, opportunities to which they had frequent recourse.

The right to call witnesses was not the only right accorded them by the court. The determination of the questions to be put to witnesses and the defence tactics to be employed is the universally accepted prerogative of the lawyers themselves and no other participant in the legal proceedings interfered with this prerogative. The lawyers representing the defendants came from legal aid bureaux and private law firms. They are all independent of the State and other law-enforcement agencies.

Incontrovertible evidence that the defence services provided by the lawyers was effective may be seen in the fact that a number of charges against the defendants were dropped, significantly affecting the sentences that were handed down.

In all, 128 victims, 50 civil plaintiffs and 103 witnesses were questioned; a video recording was shown to complement the findings of the comprehensive forensic study, itself based on video recordings taken by the terrorists themselves; audio recordings were played of conversations between the Minister of Internal Affairs, M. Z. Almatov, and the provincial *hokim*, or governor, S. Begaliev, on the one side and Kobil Parpiev on the other, and of the terrorists themselves; and dozens of slides, taken during the course of the investigation, were displayed showing pieces of material and written evidence. In addition, during the trial, a study was made of more than 2,000 findings based on various expert studies relating to the criminal case.

The unfounded allegations made by ODIHR clearly betray the authors' ignorance of the principles and rules underlying the criminal procedure law of the Republic of Uzbekistan, as well as a manifestly biased attitude to this trial, the defendants in which are accused of a number of serious offences.

10. The apparent concerns expressed by ODIHR regarding the presence of relatives of the defendants in the court room are completely out of proportion, since most of the relatives of the defendants had swiftly absconded from Uzbekistan the moment the events started and had fraudulently acquired the status of refugees in distant foreign countries.

The Supreme Court gave an advance announcement of the commencement of the trial and those persons, including human rights defenders, who wanted to attend the proceedings had unrestricted access to the court room. At the same time, however, no applications were submitted by the defendants' relatives to attend the proceedings. There were no restrictions on the attendance of relatives, nor were any reports or complaints submitted to the law-enforcement authorities or to the court regarding such restrictions.

11. The conduct and outcome of the trial provide further evidence that the investigative and evidentiary proceedings were in full compliance with Uzbek procedural law and with the universally recognized rules of international law.

In addition, this trial was held in an extremely transparent manner and was also accessible to the entire international community through representatives of

diplomatic missions and international organizations, and also through foreign correspondents. It might be noted that such an approach to the conduct of legal proceedings, which could not be more democratic, is not found in the judicial practice of most United Nations Member States. The substance of the ODIHR report and recommendations is nothing less than absurd, as it flies in the face of incontrovertible evidence scrutinized during the legal proceedings.

12. In response to the request from the High Commissioner for Human Rights to send monitors to observe the trial of the 15 men charged in connection with the Andijan events, the Government of Uzbekistan expressed its willingness to engage in cooperation with the Office of the High Commissioner based on the principles of objectivity and respect for national law and confirmed that it had no objection to representatives of the Office observing the trial, but would not be able to grant them access to the places where the defendants were held in custody, to the materials of the investigation or to procedural actions, which would have been counter to Uzbekistan's national law.

13, 14 and 15. Some of the trials of participants in the terrorist acts were held in camera, by order of the court and in accordance with article 19 of the Uzbek Code of Criminal Procedure, which stipulates that the safety of victims, witnesses and other persons involved in a case must be ensured.

All these judicial proceedings were held in conformity with the procedural rules and in strict compliance with international standards and with the rules of Uzbek law. During the trials the adversarial principle was upheld with the participation of lawyers, and by ensuring that the defence and the prosecution had identical conditions and opportunities for the impartial conduct of the proceedings.

16. Uzbek judges also heard criminal cases involving 36 members of internal affairs agencies and the military, who were found guilty of negligence and dereliction of duty, which had resulted in the seizure by terrorists of the UYa-64T-1 correctional facility, of a battalion of the border patrol service of the Andijan internal affairs department and a large arsenal of weaponry, and were sentenced to various terms of deprivation of liberty, and also to punitive deduction of earnings and confinement in disciplinary barracks.

Situation of eyewitnesses and others reporting on the Andijan events

17. Allegations that eyewitnesses of the Andijan events, as well as journalists, media officers and human rights defenders, were harassed and detained are unfounded.

Following the tragic events in Andijan, detective work was carried out to identify the culprits involved in the commission of criminal offences and to elucidate all the circumstances surrounding the events. All these actions were conducted in accordance with the law and were dictated by the interests of national security, in a manner comparable, for example, to the measures conducted by the United States authorities after the events of 11 September 2001 or by the British authorities after the explosions in London in July 2005.

Uzbek law guarantees the right of every citizen to freedom and personal safety.

18. In response to a request from the Office of the Uzbek Procurator-General, on 9 August 2006 five Uzbek citizens were extradited to Uzbekistan by the Kyrgyz

authorities to stand trial for offences committed on Uzbek territory. They are being held in the correctional facility in Andijan.

The pretrial investigation relating to their cases is being conducted in full compliance with the rules of Uzbek criminal procedure law and a ruling will be handed down on the basis of the findings of that investigation, also in accordance with the law.

The persons in question have been charged with the commission of serious offences, including, in particular, aggravated homicide, terrorism and attacks on the constitutional order of the Republic of Uzbekistan.

The decision by Kyrgyzstan to extradite the Uzbek citizens was fully consistent with the provisions of the United Nations Convention relating to the Status of Refugees of 1951, since, pursuant to article 1 of the Convention, its provisions shall not apply to persons in respect of whom there are serious reasons for considering that they have committed serious non-political crimes outside the country of refuge prior to their admission to that country as refugees.

In addition, pursuant to the Universal Declaration of Human Rights, everyone has the right to seek and to enjoy in other countries asylum from persecution but this right may not be invoked by persons who have committed crimes.

19. In September 2005 the Uzbek authorities informed the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture and the Chair-Rapporteur of the Working Group on Arbitrary Detention about the voluntary — and not forcible, as stated in the report — return to Uzbekistan of the four Uzbek citizens.

There are no grounds for apprehension about the fate of these Uzbek citizens, since their physical and moral integrity and their rights are fully protected by the State.

20 and 21. In Uzbekistan's view, the "concerns" expressed by OHCHR and UNHCR about the allegedly increasing number of Uzbek asylum-seekers and refugees are unfounded. It should be noted that in July and August 2006 53 Uzbek citizens returned of their own volition from the United States of America. These persons, in company with other Uzbek citizens who had been forced by terrorists at gunpoint to cross over into Kyrgyzstan, were accorded refugee status under false pretences and were promptly flown by UNHCR from Kyrgyzstan to Romania.

As for the allegation about the "forceful deportation" of Uzbek citizens from Ukraine, this procedure was conducted in full compliance with international rules, including the Convention relating to the Status of Refugees, and existing bilateral arrangements.

The rights of returnees are fully upheld, in accordance with the provisions of Uzbek law and with the fundamental international human rights instruments, including the Universal Declaration of Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to both of which Uzbekistan is a party.

The Uzbek authorities have no information regarding the five persons alleged to have disappeared in July and August 2006 in southern Kyrgyzstan.

B. Cooperation of the Government of Uzbekistan with United Nations human rights bodies and mechanisms

Office of the High Commissioner for Human Rights

22. Immediately after the terrorist acts in Andijan, the Uzbek authorities reaffirmed their commitment to the conduct of a transparent and objective inquiry into the events. An independent parliamentary commission was set up, together with an international task force to monitor the investigation, comprising members of the diplomatic corps accredited to Tashkent.

The judicial hearings to consider that part of the criminal proceedings held in response to the terrorist acts in Andijan were open to the public. Representatives of the diplomatic corps, of international organizations, including the United Nations, OSCE/ODIHR, UNHCR, the Shanghai Cooperation Organization, and of international human rights organizations had free access to the court room.

No restrictions of any kind were placed by the judicial authorities on people wishing to observe the proceedings, which were held in strict compliance with Uzbek law.

The Uzbek Government declared itself willing to cooperate with the High Commissioner for Human Rights and his office, in the spirit of General Assembly resolution 48/141, stressing the need to respect the sovereignty, territorial integrity and domestic jurisdiction of sovereign States.

23. OHCHR has conducted two missions to Uzbekistan (in 2002 and 2004). During the visits, the Office's delegation had meetings in the Constitutional Court, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Internal Affairs, the Office of the Procurator-General, the Commissioner for Human Rights of the Oliy Majlis and also with heads of the offices of international organizations and members of the diplomatic corps in Tashkent. One of the principal goals of the missions was to develop a regional project for Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan on the provision of technical assistance in the field of human rights. From the moment preparation of this project was launched, all four Central Asian countries affirmed their willingness to take part in that process. Despite that, some five years later OHCHR has still not submitted the final version of the regional project to the Central Asian countries for their consideration. Furthermore, in June 2006 OHCHR chose to ignore Uzbekistan's insistent and duly substantiated request that it not appoint Matilda Bogner to the post of regional representative for the OHCHR Central Asia project, as her performance while head of the Human Rights Watch office in Tashkent in matters relating to human rights in Uzbekistan had been extremely biased and subjective.

Special procedures of the Commission on Human Rights

24. In 2002, Uzbekistan — the first of the countries of the former Soviet Union to take such a step — invited the United Nations Special Rapporteur on the question of torture, Theo van Boven, to visit the country and see the situation for himself. In March 2004, the Uzbek Government adopted its plan for the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which also made provision for implementation of the recommendations of the Special Rapporteur. The plan has been fully put into effect. The relevant

information was transmitted in good time to the United Nations Commission on Human Rights and, more recently, to the Human Rights Council.

25, 26 and 27. As the requests are received, the Uzbek authorities provide exhaustive information on the human rights situation in Uzbekistan and on various individual Uzbek citizens to the United Nations special procedures (Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on the independence of judges and lawyers, Special Representative of the Secretary-General on the situation of human rights defenders, Special Rapporteur on freedom of religion or belief and others).

Treaty bodies

28. Uzbekistan has ratified the International Covenant on Civil and Political Rights and its First Optional Protocol, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Prevention and Punishment of the Crime of Genocide and it has signed the Rome Statute of the International Criminal Court.

The Uzbek Government is currently studying the question of acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights and the two optional protocols to the Convention against Torture, ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and recognizing the competence of the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Elimination of Racial Discrimination to consider individual communications.

29. Over the last two years Uzbekistan has submitted six national reports to United Nations treaty bodies which have already been considered. These are: the second periodic report to the Human Rights Committee; the initial report to the Committee on Economic, Social and Cultural Rights; the third, fourth and fifth reports to the Committee on the Elimination of Racial Discrimination and the second periodic report to the Committee on the Rights of the Child. Its second periodic report to the Committee against Torture is still awaiting consideration.

30. Following the consideration of its national reports by the United Nations treaty bodies, Uzbekistan is elaborating and putting into effect national plans of action to implement the recommendations by the treaty bodies. Non-governmental organizations and the media are extensively involved in this work, alongside government agencies.

Over the last year five national plans of action have been developed for the implementation of the recommendations of the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women.

An interdepartmental working group is in operation in Uzbekistan, headed by the Minister of Justice, with responsibility for the conduct and coordination of work to monitor implementation of the national plans of action.

Procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII)

31. From the outset the Uzbek Government has not accepted assertions that the human rights situation in its country is at variance with universally accepted rules and standards. For that reason Uzbekistan opposed consideration of the issue of the human rights situation in Uzbekistan in the Commission on Human Rights, as undertaken at its sixtieth and sixty-first sessions, and also at the second session of the Human Rights Council.

Consideration of Uzbekistan's situation in the Commission was initiated by a certain group of States for specific geopolitical motives which had nothing to do with human rights in Uzbekistan.

Uzbekistan invited the previous independent expert of the Commission on Human Rights, Mr. L. Huseynov, to visit the country in October 2004 and it afforded him all necessary assistance. He visited all the facilities which were of interest to him, had the opportunity without restriction to meet representatives of civil society and of the Government.

Notwithstanding the assistance provided by the Uzbek authorities to the former independent expert, he failed to give a true picture of the human rights situation in the country.

This failure was of considerable significance in bringing about the adoption of a decision by the Commission on Human Rights at its sixty-first session on continuing its consideration of the human rights situation in Uzbekistan under the confidential 1503 procedure, although there was no justification or grounds for discussing the issue of Uzbekistan within the Commission.

In December 2005 Uzbekistan furnished the Commission's independent expert Mr. M. Picard with exhaustive replies to all the questions that had been raised, prepared with the assistance of a number of ministries and government departments. The expert was given comprehensive details about the implementation of the recommendations contained in his predecessor's report.

In the preparation of his own report, however, Mr. Picard chose to ignore the official information provided by Uzbekistan and the report was largely based on unverified facts and allegations.

Actions of this sort are likely to cause conflicts in the operation of United Nations institutions and will lead to the further politicization of the human rights agenda.

C. Cooperation of the Government of Uzbekistan with United Nations bodies in Uzbekistan in the area of human rights**Human rights activities of the Office of the United Nations High Commissioner for Refugees**

32. In 1993, when UNHCR opened its office in Uzbekistan, it included among its principal tasks organizing the repatriation to their home country of Tajik refugees from Afghanistan and Turkmenistan and rendering humanitarian assistance to refugees in Afghanistan. In the performance of these tasks, and also to ensure that

the UNHCR office was able to operate fully and efficiently, the Uzbek Government, acting in the spirit of friendly cooperation, gave the UNHCR office in Tashkent every assistance.

Thanks to the end of the civil war and the stabilization of the situation in Tajikistan, together with the end of military hostilities in Afghanistan, the Tajik refugees were able to return to their country with assistance from UNHCR and the Uzbek Government.

In 2004, with support from the Uzbek Government, the UNHCR office in Tashkent was able to complete its programme of delivering humanitarian assistance to Afghanistan through the territory of Uzbekistan.

Given the measures described above, by working in cooperation and harmony with the people and Government of Uzbekistan, the UNHCR office in Tashkent was able to complete all the tasks assigned to it and UNHCR was duly apprised of this.

33. Uzbekistan is currently studying the possibility of drafting its own legislation on migration, drawn up in conformity with international rules and standards, which will include a link with the 1951 Convention relating to the Status of Refugees and its protocol.

Human rights projects of the United Nations Development Programme

34. UNDP is active in Uzbekistan in the fields of education, health care, environment, energy, trade, law and tax administration, with a view, among other things, to strengthening civil society in the country. It is currently carrying out 47 projects at a total cost of \$15 million.

In the field of human rights, UNDP actively cooperates with the Uzbek National Human Rights Centre, the Ombudsman's office and other government and non-governmental bodies.

Human rights activities of the United Nations Children's Fund

35. In fulfilment of its international obligations, the Republic of Uzbekistan is actively cooperating with UNICEF in issues relating to the rights of children, protection of children from abuse and exploitation, the drafting of a law on juvenile justice, the establishment of the institution of a children's ombudsman, and others.

D. Cooperation of the Government of Uzbekistan with other organizations and institutions in the area of human rights

Organization for Security and Cooperation in Europe

36. Pursuant to decision 734 of 30 June 2006 of the OSCE Permanent Council, the post of Project Coordinator in Uzbekistan was established to replace the OSCE office in Tashkent.

This new cooperation arrangement will make it possible to focus the work of the OSCE field office on the practical implementation of major projects of priority importance.

Under that same decision, the main tasks of the Project Coordinator in Uzbekistan are to be the following:

- To assist the Government of Uzbekistan in its efforts to ensure security and stability, including fighting against terrorism, violent extremism, illegal drug trafficking and other transnational threats and challenges;
- To support the efforts of the Government of Uzbekistan with regard to further social and economic development and the protection of the environment in the Republic of Uzbekistan;
- To assist the Government of Uzbekistan in the implementation of OSCE principles and of its commitments taken within the OSCE framework, including those related to the development of civil society, as well as in the development of cooperation between the Republic of Uzbekistan and OSCE.

European Union

37. Uzbekistan stands ready to develop constructive cooperation with the European Union on the basis of the principles of equality, mutual respect and non-interference in internal affairs.

Uzbekistan takes a positive view of the current development of dialogue with the Union. In particular, on 29 August 2006 Uzbekistan was visited by the European Union “troika” and at the current time a European Union delegation is in the country, headed by the European Union Special Representative for Central Asia, Mr. P. Morel, and the next meeting of the European Union-Uzbekistan Cooperation Council will be held in early November.

Uzbekistan was ready to proceed with the scheduled meeting of the Parliamentary Cooperation Committee, which was postponed yet again at the behest of the European Union.

International Committee of the Red Cross

38. On 17 January 2001, an agreement was concluded between the Government of the Republic of Uzbekistan and the International Committee of the Red Cross on cooperation in humanitarian activities for detained or imprisoned persons.

Pursuant to the agreement, ICRC personnel are granted the right to visit places of detention exclusively for humanitarian purposes. During such visits, the ICRC representatives have the right to inspect the physical and psychological conditions of detention and to meet with the detainees.

In the period 2001-2002 there were several visits to places of detention: four visits in 2001 and eight in 2002. In 2003 delegates of the International Committee of the Red Cross (ICRC) made 43 visits, covering eight correctional colonies and five remand centres. ICRC delegates met alone with prisoners over 660 times. In 2004 ICRC delegates made 35 visits to 30 colonies and 19 visits to nine remand centres. During these visits they conversed with prisoners in confidence on 898 occasions. Over the period 2003-2004 ICRC delegates visited virtually all the places of confinement in the Republic of Uzbekistan, and the duration of their visits was unrestricted.

Given the steady increase in compliance with the conditions for visiting on the part of the authorities and more transparent cooperation with the governors of penal institutions, on 13 December 2004 the regional delegation of ICRC suspended its visits to places of detention in the Republic of Uzbekistan.

The work of ICRC is valued in Uzbekistan and it is felt that fruitful bilateral cooperation can only be achieved through dialogue. Uzbekistan considers it important to resolve the problems which hinder this process without excessive political engagement and on terms of confidentiality.

On 20 September 2006 the current situation was discussed at a meeting in the Ministry of Foreign Affairs with Mr. Boris Michel, the head of the ICRC regional delegation for Central Asia.

E. Developments relating to the implementation of General Assembly resolution 60/174: human rights issues

Fair and accessible trials

39. Uzbekistan has given exhaustive replies to the communications from the Special Rapporteur on the independence of judges and lawyers, as and when they have been received. The concern of the Special Rapporteur about the situation in Uzbekistan is unfounded and is not borne out by the facts.

To secure complete and satisfactory legal protection of the rights and freedoms of detained persons and suspects, the central investigations department of the Ministry of Internal Affairs, together with the Bar Association of Uzbekistan, has prepared and introduced a regulation on the procedure for securing the right to a lawyer for detainees, suspects and accused persons at the initial inquiry and pretrial investigation stages. As a result of introducing this regulation, the conduct and discipline of officials of the Ministry of Internal Affairs came under tighter supervision, which made it possible to stop all unlawful actions on their part towards detainees, suspects and accused persons.

With a view to enhancing protection for citizens' rights against unlawful actions by State agencies and officials responsible for criminal procedure, and to ensure that they observe and comply with the requirements of the Constitution and the criminal procedure law, guidance was provided in decision No. 12 of 24 September 2004 of the Plenum of the Supreme Court of Uzbekistan concerning the basic requirements for the admissibility of evidence.

The actions of the prosecution authorities and the courts are based on the principle that when a person is charged and a verdict reached, no reliance may be placed on inadmissible evidence obtained by unlawful means, nor may such evidence be relied upon as grounds for any decision.

40. Uzbekistan is a party to the First Optional Protocol to the International Covenant on Civil and Political Rights and has recognized the competence of the Human Rights Committee to consider communications to the Committee from citizens of the Republic of Uzbekistan. Accordingly, the views expressed by the Committee on these communications are addressed to the country's competent authorities, so that they can study them and take the appropriate measures. The Human Rights Committee is kept informed of the outcome of that process.

Decree on the introduction of habeas corpus

41. The decree of the President of Uzbekistan on transferring to courts the right to issue sanctions for arrest of 8 August 2005 is confirmation of the further

liberalization of the judicial system by extending the powers of the courts to adjudicate.

The transfer to the courts of the right to issue sanctions for arrest means that the decision whether a person's freedom is to be restricted is made in public, in the presence of the suspect, the suspect's lawyer, the public prosecutor and other persons concerned. This in turn considerably strengthens the legal guarantees of the liberty of citizens involved in criminal proceedings at the stage when the decision to arrest has to be made. The introduction of this proviso where remand in custody is at issue shows that Uzbekistan is unswervingly complying with international standards for the protection of human rights. This represents further progress in strengthening the powers and authority of the judiciary as a guarantor of the effective protection of human rights.

As for the preparations for transferring to the courts the right to issue warrants for the arrest of suspects or persons accused of crime, measures are being drawn up to provide training for judges and for the staff of procuratorial offices and investigation departments of the Ministry of Internal Affairs and the National Security Service.

42. The Uzbek Government has taken note of the willingness of the Office of the High Commissioner to assist in the implementation of the decree.

Abolition of the death penalty

43. In accordance with a decree of 1 August 2005 of the President of Uzbekistan, the death penalty is to be abolished from 1 January 2008.

The Government is aware that abolishing the death penalty will entail a sustained public information exercise so as to inculcate greater understanding of the need for further liberalization of the penalties for crime. This public information exercise will have considerable financial and organizational implications.

A number of measures are now being introduced in Uzbekistan to amend and supplement national legislation in the light of international experience, and to create the necessary conditions for abolishing the death penalty. In order to step up the work of preparing the laws and regulations which are necessary in order to implement the provisions of the decree, and to transmit them in a timely manner for consideration by the legislative chamber of the Oliy Majlis (Parliament) of Uzbekistan, a working group has been established to prepare the documents in question for adoption, so that the death penalty can be abolished in the Republic of Uzbekistan.

44. Since the date of issuance of the decree, in line with the generally recognized principles and rules of international law and the provisions of the Constitution of the Republic of Uzbekistan which proclaim and underpin the right to life, not one death sentence of a convicted person has been carried out.

Question of torture

45 and 46. The report of 21 March 2006 of the Special Rapporteur on the question of torture, following up the implementation by countries of his recommendations, cannot be objective because it is based on unsubstantiated assertions which are not borne out by the facts.

The prohibition against torture, which is laid down in national law, is absolute and does not admit of any exceptions. Those guilty of torture are prosecuted in accordance with the law.

Cases of torture are handled in a transparent manner, as can be seen from the openness of the investigation into the notorious cases involving the deaths of two Uzbek citizens, Andrei Shelkovenko and Samandar Umarov. This investigation in Tashkent was attended by representatives of the United States and Russian embassies, the international organizations Freedom House and Human Rights Watch, foreign criminal law specialists and forensic experts from the United States of America and Canada.

As for the communications of the Special Rapporteur, most of them are based on unsubstantiated assertions. When these communications are received, the Uzbek Government puts out official information which is not always taken into account by the Special Rapporteur.

47 and 48. Uzbekistan has devised and fully executed a plan for the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The concern of the Committee on the Rights of the Child about the allegedly numerous reports of torture and ill-treatment of persons under 18 years of age, and the insufficient efforts of the State party to investigate allegations of torture and prosecute the alleged perpetrators, is groundless.

The Government of Uzbekistan, using all the resources and opportunities available to it, is carrying on a tough and unrelenting struggle against any and all violations of human rights, including torture. In 2003 amendments to this effect were made to article 235 of the Criminal Code, on the use of torture and other cruel, inhuman and degrading treatment, which is punishable by deprivation of liberty for periods of between three and eight years.

The term "torture" in national legislation is defined in accordance with article 1 of the Convention against Torture, and this is laid down in a decision of the Supreme Court of the Republic of Uzbekistan dated 19 December 2003.

Those guilty of torture are prosecuted according to law.

49. The views of the Committee on the individual cases mentioned in this paragraph of the report are under consideration by the relevant government departments of the Republic of Uzbekistan.

It should be noted that according to article 140 of the Criminal Code of the Republic of Uzbekistan, when the death penalty has been carried out the responsible officials of the government organ which has executed the penalty are obliged within three days to inform the court which handed down the sentence, and that court then notifies the immediate relatives of the convicted person.

Freedom of religion or belief

50. The assertion that the criminal law is used to penalize the peaceful exercise of freedom of thought and religion is unfounded.

According to the law of the country, every citizen of the Republic has the right to profess any religion, or none.

In Uzbekistan, which is home to members of 15 religious creeds, State policy on the encouragement of religious rights and freedoms provides broad opportunities for religious organizations to carry on their activities. Article 18 of the Constitution of Uzbekistan guarantees equal rights for all citizens, whatever their sex, race, nationality, language, religion, belief, social origin or status.

The Freedom of Conscience and Religion Act clearly defines the role and status of religious organizations and their interaction with government organs, and also fully guarantees the right of citizens to profess their religion, perform ceremonies and rituals and make pilgrimages to holy places, both individually and in groups.

Believers have the right freely to observe all religious holidays.

The Government of Uzbekistan ensures complete freedom for religious organizations and does not impose restrictions on their numbers or the places in which they may operate. All religious organizations, from the largest (the Muslim Board of Uzbekistan and the diocese of Tashkent and Central Asia) to the smallest, have the same rights and obligations.

The Uzbek Government regularly provides information to the Special Rapporteur on freedom of religion or belief about the country's policy in the area of freedom of conscience and religion.

51. The Freedom of Conscience and Religion Act, articles 5 and 9, prohibits activities aimed at converting the adherents of one faith to another (proselytism) or any other missionary activity. Religious education by private individuals is also prohibited.

Currently, however, there are individuals and groups that are trying to engage in religious activities in defiance of existing legislation and to entice as many people as possible to join them.

Administrative measures, in the form of fines, are imposed on those who infringe the law, but they are not arrested or detained, as alleged in the report.

To date, no complaints of any kind have been received from registered religious organizations claiming oppression or restrictions on their activities.

Neither the Freedom of Conscience and Religion Act nor the rules on registration contain any restrictions on registration or on the number of registered organizations. There are also no time restrictions on registration.

52. In the territory of Uzbekistan, the persecution of believers simply for their adherence to a particular faith is prohibited. The Freedom of Conscience and Religion Act prohibits religious or any other form of fanaticism or extremism, activities aimed at arousing opposition or exacerbating relations or fomenting hatred among various religions and sects. Coercive dissemination of religious views is also prohibited.

Registration of political parties and their ability to participate in the electoral process

53. The registration of political parties is carried out by the Ministry of Justice, in accordance with the Political Parties Act, within one month of receipt of an application. Under article 5 of the Act, the State guarantees the protection of the

rights and lawful interests of political parties and provides them with equal legal opportunities for them to pursue their statutory aims and objectives.

Under article 8 of the Political Parties Act, for the establishment of a political party 20,000 signatures of Uzbek citizens must be obtained. This provision was modelled on international practice on the establishment and registration of parties.

Article 9 of the Political Parties Act provides a comprehensive list of grounds on which a political party may be refused registration. In the event of such a refusal, the Ministry of Justice informs an accredited member of the party's governing body accordingly, drawing attention to the legal provisions with which the documents that have been submitted are not in conformity. An appeal against a refusal of registration of a political party may be lodged with the Supreme Court of the Republic of Uzbekistan.

54. On 6 March 2006, the Tashkent Municipal Criminal Court found Mr. S. Umarov guilty of the misappropriation of a substantial amount of property as leader of an organized criminal group, falsification of official documents and bribery and also of deliberate tax evasion and the laundering of assets acquired by unlawful means and sentenced him to 14 years and six months' imprisonment.

On 10-13 April 2006, as the result of a review of the case following an appeal, the Tashkent Municipal Appeal Court sentenced Mr. Umarov to 10 years and six months' imprisonment, together with a withdrawal of his right to engage in business for a period of five years. In accordance with article 6 (b) of the decision of the Senate of the Oliy Majlis of Uzbekistan on amnesty in connection with the thirtieth anniversary of the adoption of the Constitution of the Republic of Uzbekistan, the original sentence was reduced by a quarter.

Ms. N. Khidoyatova, convicted of concealing foreign currency, establishing a fraudulent business, evasion of taxes and other payments, breaches of the rules of trade or service provision, falsification of official documents and laundering of assets acquired by unlawful means, was sentenced on 1 March 2006 to 10 years' imprisonment and a withdrawal of the right to hold a management position or a post involving material responsibility for three years.

In May 2006, the Tashkent Municipal Criminal Appeal Court, after considering the prosecutor's challenge to any reduction of sentence and an appeal by the defence, changed the sentence to a suspended sentence of seven years' deprivation of liberty with a three-year probationary period. Ms. Khidoyatova was released from custody in the courtroom.

Activities of civil society, including non-governmental organizations

55. In December 2005, the Uzbek Parliament adopted additions and amendments to the Code on Administrative Liability. These are not new provisions, as stated in the report, but amendments aimed primarily at introducing transparency to the activities of non-governmental organizations and increasing their responsibility for the strict discharge of their statutory functions.

As for the question of fines, it should be pointed out that such measures are not new — they already feature in Uzbek legislation — and, second, that non-governmental organizations that carry out their activities in accordance with their statutes and existing national legislation have no cause for concern.

56. The “grave concern” expressed by the Special Representative of the Secretary-General on the situation of human rights defenders with regard to these amendments is groundless, since the State is entitled to use legal mechanisms against those who infringe the law, with a view to maintaining the supremacy of the law as understood in accordance with international standards rather than by applying some arbitrary interpretation.

57. Statements alleging growing pressure on non-governmental organizations over the past months do not correspond to reality and are not borne out by the facts.

58. From the first years of its independence, Uzbekistan has attached great importance to the formation of civil society, among the most important components of which are non-governmental organizations.

In Uzbekistan, non-governmental organization activity is supported and guaranteed by the State. A sound legal basis for their activities has been established. The Constitution of the Republic of Uzbekistan enshrines the guarantees extended by the State to non-governmental organizations, which act as a unique bridge between the State and society.

There are currently over 5,000 non-governmental organizations, including international non-governmental organizations, operating in Uzbekistan. Among their number are the Uzbek Committee for the Protection of the Rights of Individuals, the Uzbek branch of the international organization Human Rights Watch, the Centre for the Study of Human Rights and Humanitarian Law, the Independent Human Rights Organization of Uzbekistan, the Ezgulik Human Rights Association of Uzbekistan, the Democracy and Human Rights Institute, and others.

Uzbekistan considers that civil society institutions should serve to reinforce the ideas that have historically been characteristic of the Uzbek people, such as tolerance and harmony among peoples, religions and cultures.

In Uzbekistan, however, as in most countries, the rule of law is paramount. This applies also to non-governmental, non-commercial organizations, if they seriously, and sometimes knowingly, breach their own statutes and the rules regulating their activities in the territory of the Republic of Uzbekistan.

Where the constituent and other documents of a non-governmental organization do not meet the requirements of Uzbek law, particularly the Non-Governmental Non-Profit Organizations Act, the Voluntary Associations Act, the Political Parties Act, the Public Foundations Act and the regulations governing applications for registration of the statutes of voluntary associations operating in the territory of the Republic of Uzbekistan, that organization may be refused registration. An appeal against such a decision may be duly lodged before any of a number of courts.

59. The authorities cannot disregard the violation of domestic legislation by any non-governmental organization, whether Uzbek or international. This is precisely the context in which the issue of the closure of the branches of international non-governmental organizations in Uzbekistan must be examined.

The activities of the branches of the American Bar Association, Internews Network, the International Research and Exchange Board (Irex), Freedom House, the American Council for Collaboration in Education and Language Study (ACCELS), Counterpart International, the Central Asian Free Exchange (CAFE),

Global Involvement through Education, the Urban Institute, the Eurasia Foundation, the Partnership for Academic Education (PAD), Crosslink Development International and Vinrock International were terminated by court decision for infringement of their charters and domestic legislation.

Protection of journalists and functioning of independent media outlets

60 and 61. In Uzbekistan the work of journalists is supported and protected by the State. A solid legal basis has been established to ensure the freedom of media activities.

More than 10 pieces of legislation regulating media activities and protecting the professional activities of journalists have been adopted. They include the Mass Media Act, the Professional Journalists (Protection) Act, the Access to Information (Protection and Freedom) Act, the Publications Act, etc.

On 24 February 2006 the Government adopted resolution No. 33 approving the guidelines regulating professional activities of correspondents of foreign mass media, in order to promote the free and widespread dissemination of all forms of information and encourage cooperation with other States in this sphere in Uzbekistan.

Pursuant to this resolution the State guarantees the freedom of correspondents of foreign mass media to obtain and disseminate information, protects them in the conduct of their professional activities, and does not interfere in the professional activities of accredited foreign correspondents or request them to supply any information obtained in the course of their professional duties. Most of the foreign media in Uzbekistan are currently represented by Uzbek nationals, who are accredited by the Ministry of Foreign Affairs in the same way as foreign nationals. The media legislation is fully consistent with the rules of international law.

62, 63 and 64. The authorities cannot disregard the violation of domestic legislation by any mass media outlet, whether Uzbek or international.

According to its statute, the Institute for War and Peace Reporting is not a media organization. Its principal activity is the provision of humanitarian aid. For that reason the Ministry of Foreign Affairs declined to accredit it as a mass media outlet.

The status of representative of the Tashkent bureau of the Uzbek service of Radio Liberty/Radio Free Europe was used unlawfully by a number of "stringers" of Uzbek nationality, who carried out journalistic activities without accreditation by the Ministry, in violation of domestic legislation.

As a result of the infringement of the regulations governing the professional activities in Uzbekistan of correspondents of the mass media of foreign States, Uzbekistan was compelled to decline to renew the accreditation of the Tashkent bureau of the Uzbek service of Radio Liberty and to terminate the accreditation of a number of its correspondents before the expiry date.

The broadcaster BBC opened its office in Tashkent more than 10 years ago. For all these years the Uzbek authorities have been furnishing it with every possible assistance in its work without ever once indulging in harassment or intimidation of BBC journalists.

On 25 October 2005 the BBC put out a press release on its decision to close 10 offices in Eastern European countries, Kazakhstan and Thailand as a cost-cutting measure.

On the following day, 26 October 2005, there appeared another press release announcing the BBC's decision to suspend the operations of (but in fact to close) its Tashkent office.

It is quite evident that a whole series of decisions in 2005, including the decision on the Tashkent office, were taken by the BBC on purely cost-saving grounds and not out of safety concerns as the report asserts.

It is also clear that the BBC management used the safety-concerns reason for closing its Tashkent office in order to protect itself against possible criticism from certain sections of public opinion in Great Britain which do not agree with the office's closure.

The radio network Deutsche Welle, although having a number of accredited correspondents in Uzbekistan in recent years, broadcast and published on its website news and comment referring to non-existent sources or produced by unknown persons.

Accordingly, the Ministry of Foreign Affairs had to inform the management of Deutsche Welle officially of the inadmissibility of its violation of the generally accepted rules of international law on the acquisition and use of information and of its dissemination of unreliable reports on events in Uzbekistan.

Over the past two years Deutsche Welle correspondents have been warned repeatedly about their violations of the regulations governing the professional activities in Uzbekistan of correspondents of the mass media of foreign countries.

Particular attention must be drawn to the fact that the offices of foreign news agencies have on no occasion provided the Uzbek authorities with any concrete instances of harassment or intimidation of their correspondents.

Active protection of human rights defenders

65. The assertion in the report that the situation of human rights defenders in Uzbekistan has worsened following the Andijan events does not reflect the truth of the matter. The report does not cite any concrete facts or analyse the development of the post-Andijan internal political situation, about which a number of specific points may be made.

Uzbekistan recalls once again that the Andijan events constituted a terrorist act having no connection to the State's human rights policy. Accordingly, the assertion that after the May events the human rights situation in Uzbekistan deteriorated even further is politically motivated.

Furthermore, the authorities have no desire to exercise financial control of the funds or the humanitarian assistance furnished by foreign non-governmental organizations but argue that proper accounts must be kept of incoming grants, humanitarian assistance and technical cooperation.

Non-governmental organizations promoting the defence of human rights are developing vigorously. Uzbekistan has working in this area such non-governmental organizations as the Uzbek Committee for the Protection of the Rights of

Individuals, the Uzbek branch of the international organization Human Rights Watch, the Centre for the Study of Human Rights and Humanitarian Law, the Independent Human Rights Organization of Uzbekistan, the Ezgulik Human Rights Association of Uzbekistan, the Democracy and Human Rights Institute, the Bar Association, the Association of Judges, the Public Opinion Study Centre of Uzbekistan, the Centre for Support of Independent Candidates, etc.

66. On 6 March 2006 Ms. Mukhtabar Tajibaeva was sentenced by the Tashkent regional criminal court to eight years' deprivation of liberty with suspension for three years of the right to hold managerial posts or other positions of responsibility or to engage in business activities.

Ms. Tajibaeva had extorted large amounts of money, used threats and coercion to secure the transfer to herself of ownership of other people's property, evaded the payment of taxes and other dues, falsified documents, etc.

Ms. Tajibaeva's physical and moral integrity are protected by the State.

67. S. Zainabitdinov was sentenced by the Tashkent City Court on 5 January 2005 to seven years' imprisonment for defamation in aggravated circumstances, infringement of the constitutional order in the Republic of Uzbekistan, preparing and distributing materials containing a threat to public security and social order, and involvement in an extremist religious organization.

S. Zainabitdinov's activities sowed panic among the population, contributed to the establishment of a negative attitude vis-à-vis the authorities and the constitutional order in Uzbekistan, and were confirmed by an analysis of collected audiomaterials and legal, psychological, philosophical and religious studies.

From the moment of his arrest, S. Zainabitdinov made no complaint regarding the conditions under which he was held in remand and made no statements to the investigative and judicial organs to the effect that any unlawful methods had been used against him.

Criminal proceedings against I. Zainabitdinov were taken up by the Andijan Regional Criminal Court on 28 August 2006.

I. Zainabitdinov was charged by the preliminary investigation body with manufacturing forged bank notes and official documents, using computer technology, and selling them through an organized group.

On 25 May 2006 the preliminary investigation body placed a restraining order on I. Zainabitdinov which took the form of his being remanded in custody. The criminal case is currently under consideration.

68. Judicial consideration of the cases relating to M. Tajibaeva and S. Zainabitdinov and the investigation of the case of I. Zainabitdinov are being conducted in accordance with national legislation and international norms.

F. Other developments relating to the implementation of General Assembly resolution 60/174

Travel restrictions

69. In response to the application by OHCHR to visit Uzbekistan in order to establish the facts and circumstances of the Andijan events of May 2005, the Government of Uzbekistan has expressed its readiness to cooperate with the Office of the High Commissioner on the basis of the principles of objectivity and respect for national law, and has communicated the fact that it has no objections to its representatives observing the judicial proceedings in respect of the participants in the Andijan events, but without access being granted to the locations where they are being held in custody, to the materials of the investigation and to procedural actions, as to grant such access would be contrary to the national legislation of the Republic of Uzbekistan.

In Uzbekistan, there are no restrictions of any kind regarding visits to the country by representatives of the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and other international bodies.

In the period from 16 December 2005 to 1 June 2006, more than 700 diplomats and officials from various international organizations visited Uzbekistan:

- 280 from the United Nations;
- 147 from the World Bank;
- 80 from the United Nations Office on Drugs and Crime;
- 83 from UNICEF;
- 65 from UNESCO;
- 20 from OSCE;
- 34 from the United Nations Population Fund, etc.

III. Conclusions and recommendations

70. The decrees of the President of the Republic of Uzbekistan transferring to courts the right to issue sanctions for arrest, of 8 August 2005, and abolishing the death penalty in the Republic of Uzbekistan, of 1 August 2005, are confirmation of the further liberalization of the judicial and legal system and bear witness to the fact that Uzbekistan is in strict observance of international standards in the protection of human rights.

The Government is fully aware that abolishing the death penalty will entail a sustained public information exercise, enhancing people's understanding of the need for further liberalization of criminal punishment. This exercise will have considerable financial and organizational implications.

Since the adoption of the decree abolishing the death penalty in Uzbekistan, based on generally recognized principles and rules of international law and provisions of the Constitution of the Republic of Uzbekistan affirming and

strengthening the right to life, not a single sentence has been carried out against a person who has been condemned to death.

71. The Government of Uzbekistan cooperates fully with the United Nations treaty bodies and submits in good time its periodic reports on fulfilment of the obligations undertaken by the country, including the observations and recommendations of the treaty bodies, and also information on the consideration of individual complaints by the Human Rights Committee.

72. It is clear from the content of the report that its compilers had no objective facts concerning the real situation of human rights in Uzbekistan, or were unwilling to make use of them, in spite of the repeated submission by the Uzbek side of detailed official information on all issues raised in the report. Uzbekistan does not accept most of the assertions made in the report and calls for the repudiation of attempts to discredit the lofty ideals of the United Nations by resorting to political machinations, double standards and a selective approach.

73. The Republic of Uzbekistan, as an independent sovereign State possessing all necessary means for conducting a full-scale investigation into the circumstances of the tragic Andijan events of May 2005, has every right to decide on its own authority to investigate cases touching on national security and falling exclusively within its own jurisdiction.

74. The Government of Uzbekistan is taking all measures to protect and safeguard the rights of all Uzbek citizens, as well as journalists, human rights defenders and other representatives of civil society. The right of every citizen of Uzbekistan to freedom and personal safety is guaranteed by national legislation.

75. The rights of returnees are fully observed in accordance with the norms of the national legislation of the Republic of Uzbekistan, and also of fundamental international human rights documents, including the Universal Declaration of Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Uzbekistan is a party.

76. The recommendations of the report from the OSCE/ODIHR trial monitoring in Uzbekistan — September/October 2005, published in April 2006, regarding the public trial held in Tashkent of 15 of the most active participants in the Andijan events can be judged to be both groundless and rather biased, behind which lies the rejection on the part of certain political forces of Uzbekistan's fully justified and logical treatment of all manifestations of terrorism and attacks on the existing constitutional order and territorial integrity of a sovereign State.

77. As for the granting of access, the Uzbek authorities are providing the special procedures of the Human Rights Council of the United Nations (the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers, the Special Representative of the Secretary-General on human rights defenders, the Special Rapporteur on freedom of religion or belief, and others), with exhaustive information on the situation of human rights in Uzbekistan and on certain individual citizens. The Government of Uzbekistan is using all available resources to combat manifestations of torture and fully implements the Plan of Action for the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

78. Uzbekistan expresses its readiness to cooperate with the Office of the High Commissioner for Human Rights in the spirit of General Assembly resolution 48/141, which emphasizes the need to respect the sovereignty, territorial integrity and domestic jurisdiction of sovereign States.
