UZBEKISTAN

Follow-up - State Reporting
i) Action by Treaty Bodies, Including Reports on Missions

CCPR A/58/40 vol. I (2003)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

...
Overview of the application of the follow-up procedure

265. At its seventy-first session, in March 2001, the Committee began its routine practice of identifying, at the conclusion of each set of concluding observations, a limited number of priority concerns that had arisen in the course of the dialogue with the State party. The Committee has identified such priority concerns in all but one of the reports of States parties examined since the seventy-first session. Accordingly, it requested that State party to provide, within one year, the information sought. At the same time, the Committee provisionally fixed the date for the submission of the next periodic report.

266. As the Committee's mechanism for monitoring follow-up to concluding observations was only set up in July 2002, this chapter describes the results of this procedure from its initiation at the seventy-first session in March 2001 to the close of the seventy-eighth session in August 2003. These are described session by session, but in future reports this overview will limit itself to an annual assessment of the procedure.

State party	Date information due	Date reply received	Further action
Seventy-first session (March 2001)			
...			
Uzbekistan	6 April 2002	30 September 2002 (partial reply)	Complete response requested.

CCPR A/59/40 vol. I (2004)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

...

260. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Of the 27 States parties (detailed below) that have been before the Committee under the follow-up procedure over the last year, only one (Republic of Moldova) has failed to provide information at the latest after dispatch of a reminder. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

261. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

State party	Date information due	Date reply received	Further action
Seventy-first session (March 2001)			
...			
Uzbekistan	6 April 2002	30 September 2002 (partial reply)	A complete response was requested to supplement the partial reply.
		6 January 2004 (additional information)	At its eightieth session, the Committee decided, in light of the fact that the State party's next report was due on 1 April 2004, to take no further action.

CCPR, A/60/40 vol. I (2005)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

...

233. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the comprehensive table presented below. Since 18 June 2004, 15 States parties (Egypt, Germany, Kenya, Latvia, Lithuania, Morocco, the Netherlands, the Philippines, Portugal, the Russian Federation, Serbia and Montenegro, Slovakia, Sweden, Togo and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only six States parties (Colombia, Israel, Mali, Republic of Moldova, Sri Lanka and Suriname) have failed to supply follow-up information that had fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

224. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

State Party	Date Information Due	Date Reply Received	Further Action
...			
Eighty-second session (*March 2005*)			
Uzbekistan	31 March 2006	-	-

CCPR, CCPR/C/SR.2392 (2006)

HUMAN RIGHTS COMMITTEE
Eighty-seventh session
SUMMARY RECORD OF THE 2392nd MEETING
Held at the Palais Wilson, Geneva,
on Wednesday, 26 July 2006, at 11 a.m.

...

FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND TO VIEWS UNDER THE OPTIONAL PROTOCOL (agenda item 7)

...

Report of the Special Rapporteur for follow-up on concluding observations (CCPR/C/87/CRP.1/Add.7)

...

[Mr. RIVAS POSADA, speaking as Special Rapporteur for follow-up on concluding observations]

54. At its eighty-third session in March 2005, the Committee had requested additional information by 31 March 2006 from five States parties. Reminders had been sent to Greece and Iceland on 6 July 2006. Kenya had submitted what seemed to be a complete reply on 12 June 2006, noting, however, that it had not had time to implement some of the Committee's recommendations. Mauritius had also submitted a complete response with comprehensive statistical annexes. No further action was recommended with regard to either of those two States parties. Although Uzbekistan had not provided the information requested, it had informed the Committee through the Chairperson that the death penalty would be abolished on 1 January 2008 and that a number of committees had been mandated to undertake a corresponding review of the country's legislation.

...

CCPR, A/61/40 vol. I (2006)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

234. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/60/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2006.

235. Over the period covered by the present annual report, Mr. Rafael Rivas Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions on a State-by-State basis.

236. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Over the reporting period, since 1 August 2005, 14 States parties (Albania, Belgium, Benin, Colombia, El Salvador, Kenya, Mauritius, Philippines, Poland, Serbia and Montenegro, Sri Lanka, Tajikistan, Togo and Uganda) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 11 States parties (Equatorial Guinea, Greece, Iceland, Israel, Mali, Moldova, Namibia, Suriname, the Gambia, Uzbekistan and Venezuela) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

237. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

State party	Date information due	Date reply received	Further action
...			
Eighty-third session (March 2005)			
...			
Uzbekistan Second periodic report examined	31 March 2006 Paras. 7 to 10, 13, 15 and 17	-	A reminder will be dispatched.
...			

CCPR, A/62/40 vol. I (2007)

CHAPTER VII. FOLLOW-UP ON CONCLUDING OBSERVATIONS

220. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/61/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2007.

221. Over the period covered by the present annual report, Mr. Rafael Rivas-Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State. In view of Mr. Rivas-Posada's election to the Chair of the Committee, Sir Nigel Rodley was appointed the new Special Rapporteur for follow-up on concluding observations at the Committee's ninetieth session.

222. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.[1] Over the reporting period, since 1 August 2006, 12 States parties (Albania, Canada, Greece, Iceland, Israel, Italy, Slovenia, Syrian Arab Republic, Thailand, Uganda, Uzbekistan and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 12 States parties (Brazil, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Mali, Moldova, Namibia, Surinam, Paraguay, the Gambia, Surinam and Yemen) and UNMIK have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

223. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided before 1 August 2006 to take no further action prior to the period covered by this report.

...

Eighty-third session (March 2005)

...

State party: Uzbekistan

Report considered: Second periodic (on time) submitted on 14 April 2004.

Information requested:

Para. 7: Operation of the criminal justice system and numbers of prisoners sentenced to death and executed since the beginning of the period covered by the second periodic report (art. 6).

Para. 9: Amendment of the parts of the Criminal Code relating to torture (art. 7).

Para. 10: Amendment of the law on a fair trial and legal evidence (arts. 7 and 14).

Para. 11: Ensuring reports of torture and ill-treatment are investigated by an independent court, and the culprits punished; inspection of detention centres; medical examination of detainees; installation of video equipment in police stations and detention facilities (arts. 7, 9, 10).

Date information due: 31 March 2006

Action taken:

20 September 2006 A reminder was sent to the State party.

Date reply received:

28 September 2006 Partial response.

10 November 2006 Partial response.

Recommended action: Send a reminder and schedule consultations for the ninety-first session.

Next report due: 1 April 2008

...

Note

1/ The table format was altered at the ninetieth session.

CCPR, CCPR/C/SR.2533 (2008)

Human Rights Committee
Ninety-second session

Summary record of the 2533rd meeting
Held at Headquarters, New York,
on Wednesday, 2 April 2008, at 11 a.m.

...

Follow-up to concluding observations on State reports and to Views under the Optional Protocol

Progress report of the Special Rapporteur for follow-up on concluding observations

1. Sir Nigel Rodley (Special Rapporteur for follow-up on concluding observations), introducing an updated English version of his earlier report (CCPR/C/92/R.1) tracking the changes made in the light of developments since its publication, said that he had consulted with representatives of the Central African Republic, Mali, Namibia, Sri Lanka and Suriname and would soon be meeting with representatives of the Democratic Republic of the Congo. Regrettably, it had not been possible to meet with representatives of the Gambia and Namibia, which had not been forthcoming in making the necessary arrangements.

2. The Special Rapporteur's role was to urge States to provide prompt feedback on the points raised by the Committee in its concluding observations. Such efforts were counter-productive, however, if requests for information were made year after year and a subsequent periodic report of the State party was due or overdue. In those cases, the State party should be encouraged to submit a report rather than respond to concerns paragraph by paragraph. Nevertheless, failing the submission of a report, a response to the individual paragraphs would be better than nothing.

3. He hoped that the updated version of his report could be reformatted to make it more reader-friendly. Concerning overdue responses to concluding observations, he recommended, with respect to Moldova and Uzbekistan, that no further action should be taken in view of the States parties' submission of periodic reports.

...

33. *The recommendations contained in the progress report of the Special Rapporteur for follow-up on concluding observations, as amended, were approved.*

The meeting was suspended at 12.30 p.m. and resumed at 12.35 p.m.

...

CCPR, A/63/40 vol. I (2008)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

194. In chapter VII of its annual report for 2003, [20] the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/62/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2008.

195. Over the period covered by the present annual report, Sir Nigel Rodley acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-first, ninety-second and ninety third sessions, he presented progress reports to the Committee on inter-sessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

196. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. [21] Over the reporting period, since 1 August 2007, 11 States parties (Bosnia and Herzegovina, Brazil, Hong Kong Special Administrative Region (China), Mali, Paraguay, Republic of Korea, Sri Lanka, Suriname, Togo, United States of America and Ukraine), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow up procedure. Since the follow up procedure was instituted in March 2001, 10 States parties (Barbados, Central African Republic, Chile, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Honduras, Madagascar, Namibia and Yemen) have failed to supply follow up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

197. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow up responses provided to it, decided before 1 August 2007 to take no further action prior to the period covered by this report.

198. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Gambia, Equatorial Guinea).

20/ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40* (A/58/40), vol. I.

21/ The table format was altered at the ninetieth session.

...

Eighty-third session (March 2005)

State party: Uzbekistan
Report considered: Second periodic (on time) submitted on 14 April 2004.
Information requested: Para. 7: Provide data on the number of prisoners sentenced to death, the grounds for conviction and the number of executions since the beginning of the period covered by the second periodic report (art. 6). Para. 9: Amendment of the provisions of the Criminal Code relating to torture (art. 7). Para. 10: Legislative amendments to prohibit the use as evidence in court of information obtained from a detained individual in violation of criminal procedure requirements (arts. 7 and 14). Para. 11: Ensure that complaints of torture and ill-treatment are investigated promptly by an independent body; prosecution and adequate punishment of those responsible; regular and independent inspection of detention centres; medical examination of detainees; possible installation of audio and video equipment in police stations and detention facilities (arts. 7 and 10).
Date information due: 31 March 2006
Date information received: 28 September 2006 Partial reply (response incomplete with regard to paragraphs 7, 9, 10 and 11). 9 December 2006 Partial reply (response incomplete with regard to paragraphs 7, 9, 10 and 11).
Action taken: Between July 2006 and September 2007, three reminders were sent. In his reminder of 28 September 2007, the Special Rapporteur also requested a meeting with a representative of the State party. 15 October 2007 During the ninetieth session, the Special Rapporteur met with representatives

of the State party, advising them that there is no need for additional separate follow-up replies, provided that the third periodic report (due on 1 April 2008) is submitted during the first half of 2008 and includes updated information on the follow-up to paragraphs 7, 9, 10 and 11.
Recommended action: No further action recommended in light of the State party's submission of its third periodic report on 28 March 2008.
Next report due: 1 April 2008
...

Follow-up - State Reporting
ii) Action by State Party

CCPR CCPR/CO/71/UZB/Add.1 (2002)

Comments by the Government of Uzbekistan on the concluding observations of the Human Rights Committee

Question 1. In actual practice, are there instances in which cases involving civilians are tried by a military court? If so, please describe them and explain why they are handled in this way.

Answer: Under article 2 of the Courts Act of 14 December 2000, the military courts provide judicial protection for the rights and liberties of citizens proclaimed by the Constitution and by other laws of the Republic of Uzbekistan and international human rights instruments, and for the rights and legally protected interests of enterprises, institutions and organizations.

Under article 41 of the same Act, the military courts are competent to try cases relating to offences committed by military personnel of the Ministry of Defence, the Committee for the Protection of the State Border, the National Security Service, the Ministry for Emergency Situations, troops of the Ministry of Internal Affairs and other military units according to law, and also by reservists during reserve training exercises.

Pursuant to article 6 of the Regulations on the Organization of the Work of the Military Courts approved on 14 December 2000 by Decision No. 164-p of the Oliy Majlis of the Republic of Uzbekistan, the military courts are authorized to try cases involving civilians when, charges having been brought against a group of persons, the case against at least one of the accused falls under the jurisdiction of a military court and it cannot be tried separately according to law.

In the practice of the military courts of the Republic of Uzbekistan, there are instances in which civilians are tried for ordinary offences at criminal law and military offences which they have committed together with military personnel. In trying such cases, the military courts fully uphold the rights and liberties both of civilians and of military personnel.

Question 2. Do the courts try cases invoking international treaties ratified by the Republic of Uzbekistan? If so, please give examples.

Answer: No such cases have been tried in the Republic of Uzbekistan. It should be noted, however, that international standards have been incorporated into domestic law and international norms are accordingly borne in mind when trying cases in the courts.

Question 3. What is the current procedure for registering religious organizations and associations and can it be simplified?

Answer: Religious organizations are registered in Uzbekistan on the basis of Cabinet of Ministers Decision No. 263 of 20 June 1998 ("Procedure for the official registration of religious organizations in the Republic of Uzbekistan"). This Decision stipulates that religious organizations must present

the following documents to the registering body for their statutes to be registered:

Signed and notarized applications from at least 100 members of the initiating group, who must be Uzbek citizens over the age of 18;

The original of the documents submitted and two notarized copies of the decision of the organization's general meeting and statutes;

Source of income - declaration - certificate;

A bank receipt proving payment of registration tax;

Information about the founders of the religious organization;

Information about the leadership of the religious organization;

Notarized certification of the religious education of the leadership of the religious organization;

Letter of guarantee from the local authorities indicating the legal and postal address of the organization (as confirmed with the chief architect's department, the public health and disease control station, the fire safety office and local government agencies);

The consent of the Committee for Religious Affairs, which reports to the Cabinet of Ministers of the Republic of Uzbekistan;

A notarized certificate showing the name of the religious organization, as listed.

Since the registration of religious organizations has been made as easy as possible, there is no need to review the registration requirements.

Question 4. In keeping with the International Covenant on Civil and Political Rights, is consideration being given to the possibility of transferring supervision of institutions and bodies for the execution of punishment from the law enforcement agencies (Ministry of Internal Affairs) to the Ministry of Justice?

Answer: This possibility is currently being explored. In general, more and more attention is being paid to the question of the accountability of bodies for the execution of punishment. The matter is being widely discussed in scientific circles, and foreign experience is being studied.

Question 5. Does the existing procedure for the registration of political parties not restrict the rights of political parties and public associations under articles 19, 22 and 25 of the International Covenant on Civil and Political Rights?

Answer: Political parties and public associations are officially registered by the organs of justice of the Republic of Uzbekistan on the basis of the Political Parties Act of 26 December 1996 and the Non-Commercial Non-Governmental Organizations Act of 14 April 1999.

Political parties are formed and exist for the purpose of securing citizens' rights and liberties based on free expression of their will, voluntary assumption and relinquishment of party membership, the equal rights of their members, self-administration, legality and openness.

The laws referred to above do not permit any restriction of the rights of political parties and public associations upon their registration.

Article 5 of the Political Parties Act stipulates that the State shall guarantee the protection of the rights and legitimate interests of political parties and shall afford them equal legal opportunities to fulfil the aims and objectives set out in their statutes.

Question 6. Is Uzbekistan considering accession to the Convention relating to the Status of Refugees?

Answer: Owing to the difficult geopolitical situation in the region, there is now an acute need to improve the economic, social, civil and cultural status of people who have been forced to leave their historical homeland. Accordingly, extensive consideration is being given to this question, and also to possible accession to the Convention relating to the Status of Refugees. The Institute for Monitoring Current Legislation of the Republic of Uzbekistan, jointly with the Office of the United Nations High Commissioner for Refugees (UNHCR), has drafted and submitted a bill on refugees which is expected to contribute greatly to improving the situation of refugees experiencing hardship.

Question 7: Has thought been given to increasing the powers of the Ombudsman with regard to attendance in the courts and the review of judicial decisions?

Answer: Since 1999, as part of the implementation of the Policy Outline of the Parliamentary Commissioner for Human Rights (Ombudsman) concerning cooperation with the courts and law enforcement bodies, representatives of the Ombudsman have participated in court proceedings as observers in cases in which citizens have lodged applications. The right to lodge applications and protests in the courts is ensured through an agreement between the Council of the Uzbekistan Trade Union Federation and the Office of the Procurator-General of the Republic of Uzbekistan.

Following the submission of legislative proposals on reform of the Oliy Majlis of the Republic of Uzbekistan, the office of the Parliamentary Commissioner for Human Rights (Ombudsman) will prepare proposals to refine the Ombudsman Act. These will include, provisions on cooperation with judicial bodies.

Question 8. How is the independence of judges ensured? Is it possible to amend the relevant domestic legal provisions, as well as the Constitution, to guarantee the full independence of the judiciary?

Answer: According to article 4, paragraph 2, of the Courts Act of 14 December 2000, which fully accords with article 106 of the Uzbek Constitution, the judiciary acts independently of the legislature, and executive, political parties and other public associations.

The Uzbek Parliament adopted a new version of the Courts Act on 14 December 2001. This

regulates the status of judicial officers in full accordance with international standards such as the Basic Principles on the Independence of the Judiciary (1985) and the Guidelines on the Role of Prosecutors (1990).

In accordance with the new version of the Courts Act, the court system has been built on the principle of specialization. There are now courts for civil cases and courts for criminal cases. This innovation has made it possible to raise the professionalism of judges and the effectiveness of the administration of justice.

The independence of judges is an important constitutional principle in Uzbekistan, which means that judges decide cases on the basis of the law under conditions that preclude any form of outside influence upon them. Article 112 of the Constitution states that judges are independent and subordinate only to the law. Any interference in the work of judges administering justice is prohibited and attracts penalties according to law. More specifically, article 236 of the Criminal Code stipulates that interference in judicial proceedings is a criminal offence punishable by deprivation of liberty for a term of between three and five years.

The irremovability of judges is an important principle of the judicial system in most democratic countries. The essence of this principle is that, once appointed, a judge has tenure for life or until a specified age. In Uzbekistan, following the adoption of the 1992 Constitution, another interpretation of this principle became established, namely that judges are appointed for a term of five years by the President.

As demonstrated by the experience of democratic States, the principle of irremovability does not prevent the dismissal of judges under a special procedure if they have been found guilty of any offence or wrongdoing incompatible with their office.

Issues of legal reform are a central concern in Uzbekistan. In connection with the forthcoming constitutional reform stemming from the decisions taken in the referendum of 27 January 2002, matters relating to the interaction between the legislature, the executive and the judiciary will be discussed again.

Question 9. Cooperation with and operation of non-commercial non-governmental organizations (NGOs).

Answer: Article 4 of the Non-Commercial Non-Governmental Organizations Act of 14 April 1999 defines the State's duty to secure observance of the rights and interests of these organizations and to afford them equal legal opportunities to participate in public life. State interference in their activities is prohibited. The possibility of making assistance from the State available for socially useful programmes run by such organizations is being discussed.

A considerable amount of work is being done to cooperate with national non-commercial NGOs. This is evidenced by the fact that, when bills are being drafted and new laws passed, such organizations concerned with a specific issue covered by the proposed legislation are invited to participate in the necessary round-table discussions, and their opinions and critiques must be taken into account. They have the right to state their views, whether favourable or otherwise. Their

comments are then incorporated into the bill. The State thus has an ongoing dialogue with non-commercial NGOs.

A number of projects are being undertaken in cooperation with these organizations.

A bill on social foundations is currently being considered. It defines the legal regulations applicable to such foundations, including their registration and operation, and many other issues.

As a result of the referendum held on 27 January 2002, a new bill is being drafted on the outcome of the referendum and the basic principles for the organization of State power. Under the proposed new legislation, not only political parties but also groups of independent deputies, including representatives of non-commercial NGOs, will be able to declare their candidacies for the lower chamber of the legislature.

A new bill on legal safeguards for the activities of non-commercial NGOs is also being drafted. It will include greater legal safeguards for such organizations and address a number of other points.

CCPR CCPR/CO/71/UZB/Add.2 (2004)

Comments by the Government of Uzbekistan on the concluding observations of the Human Rights Committee

[6 January 2004]

Information concerning paragraph 30 of the concluding observations of the Human Rights Committee (CCPR/CO/71/UZB) on the consideration of the initial report of Uzbekistan on the implementation of the International Covenant on Civil and Political Rights

1. Death penalty

Pursuant to its international obligations, Uzbekistan has taken steps to reduce the number of articles of the Criminal Code providing for the death penalty.

Until 29 August 1998, the death penalty as the highest form of punishment for the commission of crimes was provided for in 13 articles of the Criminal Code. As a result of the vigorous activities of extrajudicial protection bodies such as the National Centre for Human Rights, the Ombudsman and a number of non-governmental organizations (NGOs), the Oliy Majlis (Supreme Assembly) adopted the Amendments and Addenda to Selected Statutes Act on 29 August 1998. The Act stipulates that the following five crimes are no longer capital offences: gratification of unnatural sexual desires by force (art. 119, para. 4); breach of the laws and customs of war (art. 152); attempts on the life of the President (art. 158, para. 1); organization of a criminal association (art. 242, para. 1); and smuggling (art. 246, para. 2).

In 2001, the number of crimes that carry the death penalty was further reduced. In accordance with Act No. 254-P of 29 August 2001, capital punishment in the form of execution by firing squad was sanctioned for only four crimes: premeditated murder with aggravating circumstances (art. 97, para. 2), aggression (art. 151, para. 2), genocide (art. 153) and terrorism (art. 155, para. 3).

On 13 December 2000, at the thirteenth session of the Oliy Majlis, the death penalty was abolished as a form of punishment under two more articles of the Criminal Code: article 151 (Aggression) and article 153 (Genocide). Thus, the Criminal Code of Uzbekistan currently contains only two articles (art. 97, para. 2, and art. 155) that prescribe the death penalty as the highest form of punishment. Moreover, pursuant to article 51 of the Criminal Code, the death penalty may not be applied: first of all, to women; secondly, to persons under the age of 18 who have committed a crime; and, thirdly, to men over the age of 60.

Uzbekistan, like many other countries, has a pardon power. Any person sentenced to death has the right to appeal to the head of State through the Pardon Commission of the President of Uzbekistan. In the event of a positive decision, capital punishment is replaced by 25 years' deprivation of liberty.

2. Torture, inhuman treatment, and abuse of power by officials

I. The Criminal Code of Uzbekistan prohibits the torture and cruel treatment of persons

suspected of crimes. With a view to defining "torture" more precisely, in August 2003 the Oliy Majlis introduced an addition to article 235 of the Criminal Code, which provides that in criminal legislation the term "torture" is now defined on the basis of article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; this was confirmed in a decision adopted on 19 December 2003 at a plenary session of the Supreme Court. Thus, the term "torture" means "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Evidence obtained by the use of torture, force, threats, deception, other cruel or degrading treatment or other illegal means, as well as violation of the right of a suspect or an accused person to a defence, shall be inadmissible and shall not constitute the basis of the accusation.

The investigator, procurator or court (judge) must always ask persons who have been brought before them from places of detention how they were treated during the initial inquiry or pre-trial investigation and under what conditions they were held in custody. Every complaint of the use of torture or other illegal methods of inquiry or investigation is subject to a thorough verification of the facts, including the conduct of a forensic examination, and measures of a procedural or other legal nature must be taken on the basis of the results, up to and including the institution of criminal proceedings against the officials in question.

Any act related to the use of torture, violence or other cruel or degrading treatment is regarded as a serious crime in criminal legislation. Uzbek criminal law stipulates that law enforcement officers shall be liable for acts of torture or cruel or inhuman treatment or punishment.

In addition to being outlawed by the general principles of justice, torture and cruel treatment are also prohibited by a special section of the Criminal Code, namely chapter XVI, articles 230-241, entitled "Offences against justice". In order to address the problem of criminal prosecutions of persons known to be innocent, articles 230-236 of the Code make it a criminal offence for judicial officers to prosecute a person known to be innocent of a socially dangerous act, to hand down an unjust verdict, to fail to enforce a judicial decision or unlawfully to detain a person or remand him in custody.

Articles 234 and 235 provide for criminal liability for knowingly unlawful detention, that is, short-term restriction of a person's liberty, and for coercion to testify, namely the mental or physical pressuring of a suspect, accused person, witness, victim or expert by means of threats, blows, battery, cruel treatment, torture, the infliction of actual or moderate bodily harm, or other unlawful acts. In both cases, criminal liability ranging from a fine to eight years' deprivation of liberty is prescribed for special categories of persons, namely law enforcement officers (persons carrying out an initial inquiry or pre-trial investigation and procurators).

The Code of Criminal Procedure also contains safeguards against torture and cruel treatment of

suspects; these are to be found in articles 11 to 27, which deal with the rules and principles of the criminal justice system.

The special rule contained in article 17 of the Code of Criminal Procedure states that "Judges, procurators and persons carrying out initial inquiries or pre-trial investigations are under an obligation to respect the honour and dignity of persons involved in a case". Paragraphs 2 and 3 of the same article state that "no one shall be subjected to torture, violence or other cruel, humiliating or degrading treatment. It is prohibited to perform acts or hand down judgements that humiliate or demean a person, will lead to the dissemination of details of his or her private life, thereby endangering the person's health, or cause unjustified physical or mental suffering".

Coercion to testify, namely the mental or physical pressuring by a person carrying out an initial inquiry or pre-trial investigation or by a procurator of a suspect, accused person, witness, victim or expert by means of threats, blows, battery, cruel treatment, torture, the infliction of actual or moderate bodily harm, or other unlawful acts with a view to extorting evidence is punishable by rigorous imprisonment for up to six months or by deprivation of liberty for up to five years. When such action entails serious consequences, it is punishable by deprivation of liberty for between five and eight years (Criminal Code, art. 235).

In accordance with Order No. 25 of 20 September 1996 of the Procurator General, on strengthening of the procurator's supervision of the observance of the constitutional rights of citizens in cases of detention, criminal prosecution and remand in custody, each specific case involving the illegal criminal prosecution of citizens is examined and a decision is taken on the liability of the officials of investigation bodies who allowed such violations of the law.

In 2002, organs of the Procurator's Office received 90 complaints and allegations concerning the use of threats, cruel treatment or other coercive methods, 98 concerning illegal detention, 143 concerning illegal preventive measures, 57 concerning illegal searches and confiscations, and 765 complaints and allegations concerning the lack of impartiality in the conduct of initial inquiries and pre-trial investigations.

Of that number, 690 complaints and allegations concerned illegal acts on the part of officials of internal affairs bodies, 121 concerned officials of organs of the Procurator's Office and 37 concerned illegal acts on the part of officers of the National Security Service; 73 complaints and allegations were admitted, 100 were partly admitted and the rest were dismissed and reasons for dismissal were given.

The verification of complaints and allegations led to the institution of 73 criminal proceedings, while criminal proceedings were refused in 406 cases; 265 law enforcement officers were subjected to disciplinary measures.

Together with other law enforcement bodies, the organs of the Procurator's Office is studying the conditions and reasons for the illegal criminal prosecution of citizens and is taking the necessary steps to prevent and prohibit such action.

II. In November 2002, at the invitation of the Government of Uzbekistan, the Special

Rapporteur on the question of torture of the United Nations Commission on Human Rights, Mr. Theo van Boven, visited Uzbekistan.

During his visit, he held official meetings with high-ranking officials of government bodies, representatives of civil society institutions, international organizations and foreign embassies. In particular, the Special Rapporteur met the Prime Minister of Uzbekistan, Mr. Sultanov, the Minister for Foreign Affairs, Mr. Kamilov, the Minister of Internal Affairs, Mr. Almatov, the Minister of Defence, Mr. Gulyamov, the Minister of Justice, Mr. Polvon-Zoda, the Procurator General, Mr. Kadyrov, the Acting Chairman of the Supreme Court, Mr. Ishmetov, the Deputy Chairman of the National Security Service, Mr. Mustafaev, the State Secretary on law enforcement agencies at the Presidential Office, Mr. Azizov, the Deputy Minister of Internal Affairs in charge of the execution of sentences, General Kadirov, the Ombudsman, Ms. Rashidova, and the Director of the National Centre for Human Rights, Mr. Saidov.

Mr. Theo van Boven visited the following places where persons deprived of their liberty are held: the holding facility (IVS)/remand centre (SIZO) of the Ministry of Internal Affairs in Tashkent, Andijan prison, the district IVS/SIZO of the National Security Service of Fergana province in Fergana, the Jaslyk colony, the main psychiatric hospital in Tashkent and the Zangiata colony.

The Special Rapporteur met persons who themselves or whose relatives had allegedly been victims of torture and other forms of ill-treatment. He also received verbal and written information from NGOs and members of civil society, including Mothers against the Death Penalty and Torture, the Legal Aid Society, the Human Rights Society for Uzbekistan, the Independent Human Rights Organization of Uzbekistan, Freedom House, Mazlum, Ezgulik Human Rights Organization, the Committee for Legal Assistance to Prisoners, the Initiative Group for Human Rights, the Centre for Democratic Initiatives and the Tashkent Group for the Defence of Human Rights. Finally, he also met with representatives of the United Nations Development Programme (UNDP) in Uzbekistan and the Office of the Organization for Security and Cooperation in Europe (OSCE) in Tashkent.

Mr. Theo van Boven submitted to the Government of Uzbekistan a report in which he summed up the results of his visit. In April 2003, the report of the Special Rapporteur on the question of torture was officially disseminated, including on the Internet.

With a view to taking further measures to combat and prohibit this phenomenon in Uzbek law enforcement bodies, on the basis of the Special Rapporteur's recommendations, and with assistance from the United Nations and OSCE, a national plan of action was drawn up to implement Mr. Theo van Boven's recommendations. It is expected that the implementation of the plan of action will involve such institutions as the Supreme Court, the National Security Service, the Office of the Procurator General, the Ministry of Internal Affairs, the Ombudsman, the National Centre for Human Rights, NGOs active in the field of human rights, and international organizations and foreign embassies.

3. Treatment of offenders and the use of force to obtain statements, conditions in detention centres and penal institutions.

Length of detention of accused persons prior to sentencing and court proceedings to determine the reasons for arrest

I. Article 25 of the Constitution of Uzbekistan proclaims and guarantees the freedom and inviolability of the person.

The problems facing Uzbekistan's penal enforcement system can be solved only through the strict application of the basic provisions of the Constitution and of Uzbekistan's international obligations in the field of human rights and freedoms.

In accordance with the Criminal Code of Uzbekistan, knowingly unlawful detention, that is, the short-term restriction of a person's liberty by an officer conducting an initial inquiry or pre-trial investigation or by a procurator, in the absence of legal grounds, is punishable by a fine of up to 50 times the minimum wage or by rigorous imprisonment for up to six months.

Knowingly unlawful remand in custody is punishable by a fine of between 50 and 100 times the minimum wage or by deprivation of liberty for up to three years (Criminal Code, art. 234).

Detainees must be held separately from persons remanded in custody as a preventive measure or persons serving a sentence. Detainees held on suspicion of having committed a crime are placed in detention rooms that comply with the following conditions of isolation:

1. Men and women shall be separated;

2. Minors and adults shall be separated; in exceptional cases, with the procurator's authorization, adults may be held in minors' rooms;

3. Particularly dangerous recidivists shall be held separately from other detainees.

A person detained on suspicion of having committed a crime shall be entitled to use his clothes, footwear and other necessary items the list of which is established by law.

Persons detained on suspicion of having committed a crime shall be held in premises that comply with the health and hygiene regulations of the Ministry of Health and the Ministry of Internal Affairs.

The medical treatment of detainees and health care in premises where they are held shall be organized and dispensed in accordance with the law.

Detainees shall be provided with food, sleeping quarters and other daily necessities free of charge, in accordance with established norms.

Visits to detainees by relatives and other persons shall be granted by the administration of the place

where they are being held only with the written authorization of the officer conducting the inquiry or investigation, or a judge, who are in possession of the documents relating to the detention. Parcels containing clothes and foodstuffs may be received once a week.

Persons detained on suspicion of having committed a crime shall be released if:

1. The suspicion that they have committed a crime is not confirmed;

2. There is no need to remand the detainee in custody as a preventive measure;

3. The statutory detention period has elapsed.

A detainee shall be released by the head of the detention centre on the order of the officer conducting the inquiry, the officer conducting the pre-trial investigation, the procurator or a judge. The release order shall be given immediate effect when it is received by the detention centre.

If the officer conducting the inquiry or the investigation establishes that there are no grounds for further detention, he shall immediately free the detainee.

If, in the statutory detention period, no decision of the procurator or officer conducting the inquiry or investigation to release the detainee or to remand him in custody as a preventive measure has been received by the detention centre, the head of the detention centre shall release him and notify the procurator or officer conducting the inquiry or investigation accordingly.

If necessary, the administration of the detention centre shall provide persons released therefrom with free travel to their place of residence; at their request, it shall issue a certificate indicating the period during which they were at the detention centre.

Full compensation shall be paid for any harm caused to a person by unlawful detention, if he is subsequently acquitted or his case is closed for reasons set out in article 83 of the Code of Criminal Procedure.

Uzbek law provides that persons carrying out initial inquiries or pre-trial investigations and procurators who knowingly cause an innocent person to be prosecuted for a socially dangerous act shall be punishable by deprivation of liberty for up to five years.

If the prosecution brought in such circumstances is for a serious or particularly serious socially dangerous act, the offending official shall be punishable by deprivation of liberty for between five and eight years (Criminal Code, art. 230).

The issuance of an unlawful judgement, decision, ruling or order shall be punishable by deprivation of liberty for up to five years.

Should such an offence result in a person's death or other serious consequences, it shall be punishable by deprivation of liberty for between 5 and 10 years (Criminal Code, art. 231).

Knowingly unlawful detention, that is, the short-term restriction of a person's liberty, by a person conducting an initial inquiry or pre-trial investigation or by a procurator shall be punishable by a fine of up to 50 times the minimum wage or by rigorous imprisonment for up to six months.

Knowingly unlawful remand in custody shall be punishable by a fine of from 50 to 100 times the minimum wage or by deprivation of liberty for up to three years (Criminal Code, art. 234).

Coercion to testify, that is, the mental or physical pressuring by a person carrying out an initial inquiry or pre-trial investigation or by a procurator of a suspect, accused person, witness, victim or expert by means of threats, blows, battery, cruel treatment, torture, the infliction of actual or moderate bodily harm, or other unlawful acts with a view to extorting evidence shall be punishable by rigorous imprisonment for up to six months or by deprivation of liberty for up to five years.

When such action entails serious consequences, it shall be punishable by deprivation of liberty for between five and eight years (Criminal Code, art. 235).

II. The legal situation of convicted persons, the rights and obligations of administrations of penal institutions and all related issues are regulated by the provisions of the 1997 Penal Enforcement Code. The Code stipulates that convicted persons have the following rights:

- To be informed of the procedures and conditions for serving their sentence, and of their rights and their obligations;

- To submit suggestions, statements and complaints in their native language or in another language, to the administration of the institution or body carrying out the sentence, other State authorities and public associations;

- To receive replies to their suggestions, statements and complaints, in the same language. If this is not possible, the reply shall be given in the Uzbek language. The reply shall then be translated by the institution or body carrying out the sentence into the language of submission of the person sentenced to rigorous imprisonment, sent to disciplinary premises or deprived of his liberty;

- To provide explanatory material and engage in correspondence, using the services of a translator where necessary;

- To use educational, artistic and other information materials;

- To receive health care, including medical care as an outpatient and an inpatient, depending on the medical findings;

- To receive social welfare, including a pension, in accordance with the law.

Depending on the type and seriousness of the crime, convicted persons serve their sentence in penal institutions. These comprise the following:

1. Prisons (for those who have committed particularly dangerous crimes);
2. Colonies with an intensive regime;
3. Colonies with a strict regime;
4. Colonies with a general regime;
5. Re-educational labour colonies for persons under the age of 18 who have committed crimes.

The procedures and conditions under which convicted persons serve their sentences are strictly regulated by the Penal Enforcement Code.

III. The decision adopted on 19 December 2003 by the plenary session of the Supreme Court explains the various time limits for detaining suspects. In particular, it states that "it must be borne in mind that, in cases where an individual is detained on grounds contained in article 221 of the Code of Criminal Procedure, he or she becomes a suspect from the moment of actual arrest, although the police report is drawn up after the person is brought to a police station or other law enforcement agency. From that moment, the detainee has all the rights of a suspect, including the right to counsel. A person who surrenders to the appropriate State authority has the same rights (Code of Criminal Procedure, art. 113).

A suspect or accused person must be interrogated immediately or, at the latest, within 24 hours following his or her detention, appearance pursuant to a summons for interrogation, remand in custody or arrest in accordance with the provisions of article 111 of the Code of Criminal Procedure concerning the first interrogation of a suspect or accused person.

In general, investigations may be conducted only between 6 a.m. and 10 p.m., except in the cases set out in article 88, paragraph 2 (3), of the Code of Criminal Procedure.

IV. The Act of 29 August 2001 of the Republic of Uzbekistan on amendments and additions to the Criminal Code, the Code of Criminal Procedure and the Administrative Liability Code in connection with the liberalization of criminal penalties led to a reduction in the number of detainees and convicted prisoners in places of deprivation of liberty. For example, in 1999 there were 14,113 (in 2000 - 13,126; in 2001 - 7,422) detainees and convicted prisoners in the remand centres of the Central Penal Correction Department of the Ministry of Internal Affairs; by 2002, that number had fallen to 6,716. The corresponding figures for penal colonies were: 51,479 in 1999, 63,857 in 2000, 63,172 in 2001 and 38,717 in 2002.

Uzbekistan's penitentiary system, which is under the jurisdiction of the Ministry of Internal Affairs, is one of the most open to the general public. In this regard, it is important to note the agreement concluded in January 2001 between the Government of Uzbekistan and the International Committee of the Red Cross (ICRC) on the provision of humanitarian assistance in places of deprivation of liberty. In the first nine months of 2003 alone, ICRC made 26 visits to various places of detention. Over the past two years, penal institutions have been visited by deputies of the European Parliament, the Special Rapporteur on the question of torture of the United Nations Commission on Human

Rights, ambassadors of foreign States and representatives of international organizations accredited in Tashkent, and representatives of local and foreign media.

4. Independence of judges

I. The Uzbek judiciary is independent of the legislature and the executive, political parties and other public associations. This is guaranteed in article 106 of the Constitution.

The constitutional provisions on the activities on the judiciary are further developed in the Constitutional Court Act, the Courts Act, the statute on the organization of military courts, in the Code of Criminal Procedure, the Code of Civil Procedure, the Code of Economic Procedure, the Administrative Liability Code, the Labour Code, the Penal Enforcement Code and others, including the relevant commentary on the Criminal Code, the Code of Criminal Procedure and the Administrative Liability Code. Moreover, the activities of the judiciary are analysed and generalized in the work of the plenary session of the Supreme Court, which issues appropriate decisions on the basis of the constitutional principle of the supremacy of the Constitution and the law (principle of legality) with a view to ensuring the more effective, legal, well-founded and fair administration of justice.

At present, the Constitutional Court, the Supreme Court and the Higher Economic Court of Uzbekistan, the supreme courts of the Republic of Karakalpakstan for civil and criminal matters, the provincial and Tashkent municipal courts for civil and criminal matters, inter district, district (municipal) courts for criminal matters, military courts, the Economic Court of the Republic of Karakalpakstan and the provincial and Tashkent economic courts are in operation in Uzbekistan. Uzbek courts specialize in either civil or criminal cases.

In accordance with the Constitution, the Supreme Court and the Higher Economic Court have the right to introduce legislation in the Oliy Majlis.

Justice in Uzbekistan is administered solely by the court. The establishment of special courts is prohibited.

The adoption in 2000 of a new version of the Courts Act was an important step in the reform of the judiciary and in measures to ensure the independence of judges. The new version of the Act is based on international standards and experience in reforming the judiciary.

Pursuant to the Courts Act adopted in 2000, Uzbek courts must uphold the civil rights and freedoms proclaimed in the Constitution and legislation of Uzbekistan and in international human rights instruments, and the rights and legally protected interests of enterprises, institutions and organizations. Uzbek courts endeavour to ensure the supremacy of law, social justice and civil peace and harmony.

Under the Courts Act, judges are elected or appointed for a period of five years.

Judges are persons vested by law with the authority to dispense justice. All judges in Uzbekistan have the same status. Judges have the right:

1. To require officials and citizens to carry out their orders relating to the dispensation of justice;

2. To receive from official and other persons such information as is necessary for the dispensation of justice;

3. To form associations.

Judges may also have other rights in accordance with the law.

The State bodies, officials, public associations and other legal and natural persons must comply strictly with judges' requirements and orders relating to the dispensation of justice. At the request of a judge, the information, documents and copies of documents necessary for the dispensation of justice are submitted free of charge. Failure to comply with judges' requirements and orders entails liability under the law.

In their consideration of civil, economic and criminal cases and cases relating to administrative offences, judges must abide strictly by the Constitution and the laws of Uzbekistan, protect civil rights and freedoms, citizens' honour, dignity and property, and the rights and legally protected interests of enterprises, institutions and organizations; they must be impartial and fair.

Judges must strictly observe the honour of judges and refrain from any actions that might diminish the authority of the judiciary or the dignity of a judge or give rise to doubts about a judge's impartiality.

Judges may not divulge the secrecy of judges' deliberations or information received during in camera sessions.

Guarantees of the independence of judges

The independence of judges is guaranteed by:

1. The legally established procedure for their election, appointment or dismissal;

2. Their immunity;

3. The strict legal procedure for the dispensation of justice;

4. The secrecy of judges' deliberations in reaching decisions, and the prohibition regarding the divulging of secrets;

5. Liability for contempt of court or interference in the settlement of specific cases, and violation of judges' immunity;

6. The material and social guarantees that judges receive at State expense in conformity with their legal status.

State and other bodies, enterprises, institutions and organizations, officials and citizens must respect and observe the immunity of judges.

Contempt of court or the commission of acts that demonstrate an overt disregard for the court entail liability under the law.

Interference in judges' dispensation of justice is prohibited.

Any attempt to influence judges with a view to obstructing the thorough, complete and impartial consideration of a specific case or to obtain an illegal court ruling entails criminal liability under the law.

It is prohibited to require judges to provide any explanations on the substance of cases that they have considered or are considering, or to make them available to anyone for information, except in cases and in accordance with the procedure prescribed by law.

In their reports, the media are not entitled to predetermine the outcome of legal proceedings in a particular case or in any way influence the court.

The person of the judge is inviolable. The inviolability of judges applies to their domicile, office, means of transport and communication, correspondence and personal effects and documents.

In order to ensure their personal safety, judges are issued firearms in accordance with a list established, respectively, by the chairman of the Supreme Court, the chairman of the Higher Economic Court and the Minister of Justice. Where necessary, the chairman of the relevant court may decide to instruct an internal security body to provide a judge and his or her family with an armed guard.

A criminal case against a judge may be brought only by the Procurator General of Uzbekistan.

A judge may not face criminal prosecution or be remanded in custody without the consent of a plenary session of the Supreme Court or a plenary session of the Higher Economic Court. A judge may not be subject to administrative proceedings without the consent of the appropriate qualification board of judges.

The violation of a judge's domicile or office or means of transport, and the conduct of an inspection, search or seizure, the tapping of his telephone conservations, the personal inspection or personal search of a judge, as well as the inspection, confiscation or seizure of his correspondence, personal effects or documents may take place only with the authorization of the Procurator of the Republic of Karakalpakstan, a procurator of a province or of Tashkent or by a court decision.

A criminal case against a judge of an inter-district or district (municipal) court or a district and territorial military court is under the jurisdiction of the highest court and, in criminal cases against judges of other courts, under the jurisdiction of the Supreme Court.

All the guarantees of immunity of judges apply to lay judges during the performance of their judicial

duties.

The life and health of judges are under special State protection and are subject to compulsory State insurance funded by the budget of Uzbekistan.

The State insurance bodies pay benefits in the following cases:

1. Death of a judge during his term of office or following expiry of his term of office, provided that death resulted from bodily injuries or impaired health related to the performance of his duties; in such case, the judge's heir receives 50 times the judge's monthly salary;

2. Disablement of a judge or impairment of his health during the performance of his duties that prevents him from continuing his professional activities; in such case, benefits are equivalent to 25 times the judge's monthly salary;

3. Infliction of bodily harm to a judge or impairment of his health during the performance of his duties that does not result in a disability that would preclude the continuation of his professional activities; in such case, the benefits are equivalent to five times the judge's monthly salary.

If, in the course of the performance of his duties, a judge is disabled or his health is impaired to such an extent that he is unable to continue his professional activities, he receives monthly compensation in the form of the difference between his salary and the amount of his pension, without taking account of the payments received under compulsory State insurance.

If a judge dies as a result of bodily injuries or impaired health related to the performance of his duties, his family dependants who are unable to work receive monthly compensation equivalent to the difference between that part of his salary intended for their support and the amount of his pension, without taking account of the payments received under compulsory State insurance.

The loss caused by the destruction or damaging of property belonging to a judge in connection with his official duties is subject to compensation, paid in full either to him or to the members of his family.

II. Pursuant to the recommendations of the Committee against Torture, Uzbekistan is currently studying the institution of habeas corpus. Thus, on 20 and 21 October 2003, the National Human Rights Centre, together with the American Association of Jurists, the OSCE Office for Democratic Institutions and Human Rights and UNDP, and with the participation of the central investigation department of the Ministry of Internal Affairs and the Tashkent Bar Association, held a round table entitled "Criminal Procedure Code Reform: Judicial Supervision and Protecting of the Rights of Accused in the Investigative Process".

The round table considered international experience. The American expert, Professor Stephen C. Thaman, an expert in the field of comparative criminal law, acquainted the participants in the round table with the experience of developed and developing countries in this area. The participants in the

round table considered the advisability of introducing the institution of habeas corpus in Uzbekistan and drafted the relevant recommendations.

5. Internal resettlement of several communities in Uzbekistan

At the end of 2000, the political situation in the Central Asian countries deteriorated, particularly on the Kyrgyz-Tajik border and the Uzbek-Tajik border, where bands of guerrillas from the Islamic Movement of Uzbekistan, a terrorist organization, with the tacit consent of the leaders of the Taliban of Afghanistan, and owing to the helplessness of the Government of Tajikistan, carried out repeated sorties from Tajik territory into the territories of bordering States. It should be noted that the Islamic Movement of Uzbekistan has been recognized as a terrorist organization by the State Department of the United States of America and by the Government of the United Kingdom, which have underscored the need to halt the financing of that organization and to arrest its leaders and members.

At the end of 2000, a number of border mountain villages in Surkhandarya province came within the zone of confrontation between the Islamic Movement of Uzbekistan and the armed forces of Uzbekistan. In considering this question, it is particularly important to note that the inhabitants of these villages were cut off from the amenities of the modern world: the settlements lacked elementary sanitary conditions and children did not attend school. The guerrillas of the Islamic Movement of Uzbekistan took advantage of those conditions. Available information indicates that members of the Islamic Movement of Uzbekistan use these villages as staging posts and have accomplices there.

In this connection, and also with a view to ensuring the personal safety of the inhabitants of these villages, the Government of Uzbekistan adopted a decision on their resettlement to the flat country of Uzbekistan in the region of Sherabad and Shurchi settlements.

In all, 1,333 persons were resettled. A special government decision was issued on this question. In the places where the inhabitants of the mountain villages were resettled, social and medical conditions were created to ensure the normal continuation of their everyday activities.

Government commissions, headed by the khokim (governor) of Surkhandarya province, and with the participation of representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations, ICRC and other international organizations, have made frequent visits to Sherabad and Shurchi, the places where the inhabitants of the mountain villages were resettled.

The leaders of Uzbekistan are continuing to monitor this question.

National Centre for Human Rights of Uzbekistan