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Chairperson: Mr. Bhagwati

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The meeting was called to order at 10.15 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant *(continued)*

Initial report of Uzbekistan (CCPR/C/UZB/99/1)

1. *At the invitation of the Chairperson, the members of the delegation of Uzbekistan took places at the Committee table.*

2. **The Chairperson** invited the delegation of Uzbekistan to introduce its report.

3. **Mr. Saidov** (Uzbekistan) congratulated the Committee on the twenty-fifth anniversary of the entry into force of the Covenant, which marked a further confirmation by the international community of the values of democracy and human rights.

4. Non-governmental organizations in Uzbekistan, including the lawyers' and judges' associations, the Public Opinion Centre and the Centre for the Study of Humanitarian Law and Human Rights, had participated in the preparation of the report. The Government would be pursuing an open dialogue with those non-governmental organizations with regard to the monitoring of human rights in Uzbekistan.

5. Uzbekistan, with almost 25 million inhabitants and a history stretching back over three millennia, was at the heart of Central Asian civilization. Its declaration of independence in 1992 had ushered in a new epoch of democratic transformation in the economic, political and social spheres, with the building of a democratic society based on the rule of law, a market economy and a strong system of social protection. Uzbekistan had many different ethnic groups, represented in over 100 centres of national culture, and 16 religious affiliations; yet throughout its independence, there had not been a single case of national, inter-ethnic or religious conflict. Uzbekistan completely rejected nationalism, racism, genocide and the denigration of other peoples, cultures, languages and religions.

6. During that period, free elections had twice taken place for the head of State and members of Parliament. There was a clear separation of powers, and a multi-party system was developing. Uzbekistan had framed its own approach to reform and its own model for the transition from authoritarianism to democracy, and had defined specific areas for government intervention in achieving national security and law and order, while

observing and protecting human rights. The reforms were underpinned by five basic principles: the priority of the economy over politics; the reforming role of the State in effecting democratic change; the supremacy of law in all spheres of social life; the importance of social policy; and the gradual transition to a new, free and democratic society.

7. Uzbekistan was worried about manifestations of religious extremism and international terrorism, which posed a threat to national, regional and international security. Nevertheless, it was a source of pride for the country that it had succeeded in preserving political stability and civil peace, in a framework of law which reflected international principles and consolidated equality among citizens.

8. Uzbekistan had ratified the Covenant and its Optional Protocol in 1995. It had also ratified without reservation the other five basic human rights instruments of the United Nations, and a total of 57 international human rights instruments. Steps were gradually being implemented within Uzbekistan to establish the generally-accepted democratic norms which corresponded to its international obligations.

9. The Government had acted in a number of different ways to give effect to the Covenant. The first was to bring the Constitution and national legislation into conformity with the Covenant. The Basic Law of Uzbekistan fully reflected the main provisions of the Covenant, and Parliament had adopted five codes and sixteen separate laws in the field of civil rights, as well as 23 laws on political rights. The international human rights instruments, including the Covenant, were given priority within the legal system, and in the event of a conflict between its provisions and those of domestic law, the former prevailed. The rules of the Covenant were now increasingly quoted in the context of applying the law.

10. Secondly, in line with the recommendations of the 1993 Vienna World Conference on Human Rights on the establishment of national machinery for the protection of human rights, Uzbekistan had established a Constitutional Court, a Parliamentary Ombudsman and a National Centre for Human Rights. Third, Parliament had adopted a national programme for improving the legal culture within society. Education, information and training in human rights was being promoted through a special course taught in all schools and universities, textbooks and visual aids on the

subject were published, and the basic United Nations documents on human rights, including the Covenant, were published in the national language. Chairs in human rights now existed in a number of institutions of higher education, including a chair funded by UNESCO at the University for international economics and diplomacy. There was a coordinating council for educational issues relating to the subject of human rights.

11. A fourth area was human rights monitoring, through machinery for the implementation of the norms enshrined in law. A national programme of action in the field of human rights and a monitoring scheme had been devised, and observance of the Covenant was now subject to parliamentary scrutiny. Training courses in human rights reporting had been held in 2000, in conjunction with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE).

12. A fifth area was the development of civil society institutions. Non-governmental organizations, including those concerned with human rights, had undergone rapid growth in Uzbekistan in recent years, and there were now over 2,500 such organizations. There was a constructive dialogue and a social partnership between government agencies and non-governmental organizations.

13. Uzbekistan was developing international cooperation in the field of human rights, especially with the United Nations and its specialized agencies, the European Union, the Warsaw office of OSCE, the Karl Adenauer, Friedrich Ebert and Soros Foundations, the International Committee of the Red Cross, UNESCO and the embassies of democratic States. There was also a joint programme with UNDP on democratization, human rights and governance in Uzbekistan. One of the chief areas of international cooperation was reform of the judicial system. In the summer of 2000, training courses on the Covenant had been held, with the assistance of OSCE, for officials of the Ministry of the Interior and the Procurator's Office and for judges and lawyers in all parts of the country. International organizations were also helping with educational work with offenders, and 10 courses had been held for prison staff. In January 2001 the Government had signed an agreement with the International Committee of the Red Cross (ICRC) on humanitarian work with prisoners, and an initial visit

by ICRC observers had been made to a much-criticized prison in Zhaslyk.

14. The main obstacles to implementation of the international human rights instruments in Uzbekistan lay in the difficulties resulting from the transitional period, coupled with the catastrophic environmental situation. His country therefore looked for cooperation and understanding on the part of the international organizations.

List of issues (CCPR/C/70/L/UZB)

15. **The Chairperson** suggested that the delegation should deal with the questions in the list of issues in two parts, beginning with paragraphs 1-15.

16. **Mr. Saidov** (Uzbekistan) explained that detailed written replies had been prepared, covering the two years since the initial report had been submitted. He would, however, provide brief oral replies to the questions in the list of issues.

17. **Mr. Yalden** pointed out that the Committee members had not received the document in question.

18. **Mr. Lallah** said that the Committee would have to rely on the delegation's oral replies.

19. **Mr. Amor** said he was grateful to the delegation of Uzbekistan for its efforts to provide as much information as possible. However, the meeting was intended to provide a forum for an oral dialogue between the Committee and the delegation.

Constitutional and legal framework within which the Covenant and the Optional Protocol are implemented; state of emergency (arts. 1, 2 and 4); Optional Protocol

20. **The Chairperson** confirmed that the replies should be oral rather than written. He invited the delegation of Uzbekistan to reply to the questions in paragraphs 1-5 of the list of issues, namely: the status of the Covenant in domestic law; examples of investigations of human rights violations conducted by the Commissioner for Human Rights of the Oliy Majlis; the composition and functions of the Commission for the Observance of Citizens' Constitutional Rights and Freedoms; the regulation of states of emergency; measures to ensure individuals could make complaints without fear of harassment; and

mechanisms for implementing views adopted by the Committee under the Optional Protocol.

21. **Mr. Saidov** (Uzbekistan) said that, according to the Constitution of Uzbekistan, the Covenant took priority over domestic law. In the event of incompatibility between the two, the Covenant's provisions would apply, and could be invoked in the courts, although that had not yet happened. The Commissioner for Human Rights regularly referred to the Covenant in his findings and in his annual reports to Parliament.

22. In reply to the question in paragraph 2, he explained that the post of Commissioner for Human Rights (Ombudsman) had been established in 1995, corresponding legislation being adopted in 1997. The Office of the Ombudsman was the first of its kind in Central Asia. It maintained regular contact with others in Europe, Asia and the Americas. The task of the Ombudsman was to ensure parliamentary scrutiny of the actual observance of human rights law in Uzbekistan by State agencies, citizens' self-governing bodies, enterprises, institutions, organizations, community associations and public officials. The Ombudsman was independent of the Government and answerable only to Parliament. As a member of Parliament, he or she had the right to initiate legislation. The Ombudsman could investigate the conduct of citizens of the Republic and of aliens and stateless persons in its territory, except for matters within the competence of the courts.

23. The Ombudsman made an annual report to Parliament, reviewing the nature of the complaints brought by citizens concerning illegal acts by public officials and law-enforcement agencies. Many complaints were about abuse of authority or office, non-compliance with the rules of conduct for public officials, the use of prohibited methods, violation of constitutional rights and freedoms, harassment for making complaints, lack of objectivity in court decisions because of incompetence by court officials and investigation agencies; and extortion by individuals working in the law-enforcement agencies. In the year 2000 there had been more than 5,000 complaints, half received by mail and half in person. Oral consultations had followed in 940 cases. A confidential telephone service had been introduced, and 80 citizens had so far received advice through that channel. One out of every eight complaints in the year 2000 relating to a flagrant breach of individual rights

had been analysed, as part of a review of 690 cases in all. Of that total, 120 had had a positive outcome. In the same year, the Ombudsman had personally taken up 30 cases, and had invited 10 public officials for interview.

24. Most of the cases dealt with by the Ombudsman were based on dissatisfaction with court decisions or illegal acts by law-enforcement agencies, or with social insurance or shortcomings in the provision of housing or medical care. In the year 2000 the Office had made 15 findings, sending 10 cases to the Supreme Court and five to the Procurator's Office. In five cases the Supreme Court had lodged an objection and had reversed decisions made by the lower courts. On examination, the complaints made to the Ombudsman focused on one-sided or superficial treatment of cases by the lower courts; the use of unauthorized and humiliating methods of investigation; violations of articles 26 and 116 of the Constitution, on the presumption of innocence and the right to defence respectively; unlawful detention without charge; and violations of the rights of individuals, especially in rural communities, resulting from their ignorance of the law or breach of duty by public officials. In his report for 2000, the Ombudsman had emphasized the large number of complaints of unauthorized methods of investigation.

25. The rights and duties of citizens during emergency situations were laid down in the Act on the protection of the population and territories from natural and man-made emergency situations, of 20 August 1999. The purpose of the act was to prevent, control and eliminate emergency situations, and reduce losses. Its provisions were fully in keeping with article 4 of the Covenant and thus could not serve as a basis for any derogation from articles 6, 7, 8 (paras. 1 and 2), 11, 15, 16 and 18 of the Covenant. Uzbekistan would consistently fulfil its obligations to protect the fundamental civil and political rights laid down in the Covenant.

26. The Act on applications by citizens prohibited the harassment of citizens and members of their families for exercising or protecting their rights by means of applications, claims, proposals or complaints. Under article 11 of the Code of Penal Procedure, persons sentenced to deprivation of liberty were guaranteed the right to personal security. Any convicted person whose personal security was threatened was entitled to apply to any official of the penitentiary body, and that body

was required to take immediate measures, regardless of the nature of the threat; in the meantime the administration could temporarily isolate the complainant from other prisoners. Members of law-enforcement bodies maintained close contact with representatives of Makhalla committees and carried out public-information activities to explain to citizens their rights and duties and means of protection from harassment. A recent development was the establishment of 24-hour telephone services in departments of law-enforcement bodies, enabling citizens to report illegal actions or harassment. The Ministry of Internal Affairs maintained a monthly newspaper hotline through which representatives of the various law-enforcement bodies responded to questions from citizens.

27. Having acceded to the Optional Protocol, Uzbekistan recognized the competence of the Committee to receive and consider communications relating to the implementation of the Covenant and was prepared to submit written replies concerning such communications. His Government had no specific proposals about amendments to the Optional Protocol. However, it believed that it was very important to strengthen the Committee's coordinating role of analysing the experience of States parties in implementing both the Covenant and the Optional Protocol, and formulating general recommendations; and to provide States parties with assistance in the form of advice and information. In that way the Committee's work would have a universal impact. His Government was prepared to engage in open and constructive dialogue with the members of the Committee.

Right to life, disappearances, treatment of prisoners, right to liberty and security of person (arts. 6, 7, 9, 10 and 16)

28. **The Chairperson** invited the delegation to reply to the questions in paragraphs 6-12 of the list of issues: number of persons on death row and number of executions over the past two years; number of complaints concerning enforced or involuntary disappearances over the past three years, whether those cases had been investigated, and with what results; examples of investigation of complaints concerning torture and ill-treatment by public officials and disciplinary measures imposed; measures adopted to prevent excessive use of force by the police, including

arbitrary detention, torture and other abuses; legal status and competence of the National Security Service, whether it had power to detain, and if so, who had control over its detention facilities; details on regulations governing custody and preventive detention, who had the power to detain, and what control was exercised; compatibility of the regulations with article 9 of the Covenant; how the rights provided for in article 9, paragraph 3, of the Covenant were being secured; whether access to legal counsel was guaranteed in the situations described in paragraph 175 (16) of the report; details concerning conditions of detention in prisons and other private or unofficial places of detention, including those near Zhaslyk, and measures being taken to comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners; information on the alleged death in detention, in 1999, of several inmates of the prison complex near Zhaslyk, and whether other cases had been reported and investigated over the past three years.

29. **Mr. Saidov** (Uzbekistan) said that, although Uzbekistan applied the death penalty to persons who had committed particularly heinous crimes, that penalty could be applied under only eight articles of the Penal Code (compared with 35 in the former Union of Soviet Socialist Republics), and it could not be applied to women or minors. Persons who had been sentenced to death could have their sentences commuted to 25 years of imprisonment. In any case, the death penalty existed in many other States Members of the United Nations. Information on the number of persons on death row was in the possession of the bodies responsible for the execution of court judgements and was confidential.

30. Over the past three years, no complaints of enforced or involuntary disappearances had been received by the Office of the Ombudsman or the National Centre for Human Rights.

31. During 2000, no complaints concerning torture and ill-treatment had been made to the Ministry of Internal Affairs and the main penitentiary administration by citizens or convicted persons, but there had been complaints to the Ombudsman and the Procurator's Office. In December 2000, a complaint had been made to the Procurator's Office concerning torture of Mr. V. M. Evstigneev, but the alleged victim had denied that he had been tortured, and no evidence had been found, so the case had not been sent for trial.

In another case, a woman had been accused of murdering her husband, and after it had been discovered that her husband was still alive, the law-enforcement bodies had ignored the evidence, arrested her and two relatives and conducted an investigation for four months; several procurators at the regional and district levels had been dismissed from their posts and sentenced to various terms of imprisonment. Other instances could be cited, and in every case there had been a strict investigation, the guilty parties had been punished, and disciplinary measures imposed.

32. The legal status and competence of the National Security Service were regulated by the Constitution, the decision on the National Security Service approved by a resolution of the Cabinet of Ministers in November 1991, and the relevant articles of the Penal Code, the Code of Penal Procedure, and other legislative and regulatory instruments. The National Security Service bodies were empowered to conduct initial inquiries and pre-trial investigations, and also to detain suspects within their area of competence. The legality of such detentions and of the inquiries and investigations, and compliance with the law in detention facilities, were monitored by the appropriate procurator.

33. In accordance with article 38 of the Code of Penal Procedure, the authorities conducting initial inquiries were, in their relevant areas of competence: the police; commanders of military units and heads of military and training institutions; bodies of the National Security Service; heads of penitentiary bodies of the Ministry of Internal Affairs, and heads of penitentiary and re-education colonies, solitary-confinement centres and prisons; State fire inspection bodies; border protection bodies; ships' captains; and State tax and customs bodies. In accordance with article 382 of the Code of Penal Procedure, the procurator monitored compliance with the law during the initial inquiry and pre-trial investigation.

34. Persons remanded in custody, sentenced to arrest for up to six months or to deprivation of liberty, or awaiting the entry into force of a verdict or its consideration under appeal, were held in solitary-confinement centres.

35. Article 221 was compatible with article 9 of the Covenant because it envisaged the following grounds for detention of a suspect: the person was caught during or immediately after the commission of the

crime; witnesses, including victims, incriminated him directly; clear traces of the crime were found on his person or in his residence; there were grounds for suspicion, or the person concerned had tried to escape or had no fixed abode, or his identity had not been established. Under article 222, the persons who were authorized to detain a suspect were members of the police or other investigative authorities; also, any competent person could detain and take to the nearest police station or other law-enforcement authority a person he suspected of having committed a crime.

36. Article 224 established the procedure for pre-trial detention. Article 225 laid down the procedure for verifying the justification for detention; if the detention was found to be unjustified, the detainee had to be released. All orders had to be communicated to the suspect without delay, and at the same time his rights under article 48 of the Code of Penal Procedure had to be explained to him. Article 227 set forth the rules for detention by decision of the initial or pre-trial investigator, the procurator or the court. In the case of the arrest of a wanted criminal, the district or town procurator could issue a detention order for the time necessary to transfer him to the place of investigation, not to exceed 10 days. That period was included within the period of preventive custody and of the sentence.

37. Preventive measures were defined in the Code of Penal Procedure (para. 176 of the report). Only one measure could be applied against any one individual. Article 238 of the Code of Penal Procedure defined the circumstances which were taken into account in selecting preventive measures. Under article 240, preventive measures could be applied, cancelled or amended by a decision of the initial or pre-trial investigator, the procurator or the court, and such decisions must be immediately communicated to the person concerned. Articles 242 and 243 defined the procedure for preventive custody.

38. Access to legal counsel was guaranteed in the situations described in paragraph 175 (16) of the report. In order to increase the independence of defence lawyers, two acts had been adopted in recent years, the Bar Act, and the Act on Strengthening Lawyers' Social and Legal Protection. The rights and duties of defence lawyers were specified in the Code of Penal Procedure. Legal counsel could be lawyers, persons with special permission to participate in proceedings, and representatives of public associations, and also, by decision of the investigator or the court,

close relatives or legal representatives of the suspect or defendant. The defendant could be wholly or partially exempted from payment for legal aid; in such cases, the costs were borne by the State. Article 51 listed the cases in which the participation of legal counsel was mandatory, including cases involving minors or disabled persons and crimes subject to the death penalty. Article 52 also established the rules for refusing legal counsel; in the cases envisaged in article 51, such refusal was not binding on the initial or pre-trial investigator, the procurator or the court. Refusal of legal counsel did not deprive the accused of the right to apply for counsel at a later stage in the proceedings.

39. There were no private or unofficial places of detention in the system of the Ministry of Internal Affairs of Uzbekistan. Solitary-confinement centres for the temporary custody of suspects were attached to the territorial organs of internal affairs; such persons were detained in order to stop their criminal activity and prevent them from escaping or concealing or destroying evidence. The conditions in which convicted criminals and persons remanded in custody were held in colonies, solitary-confinement centres and prisons corresponded to the basic requirements of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Code of Penal Enforcement of Uzbekistan. There was no discrimination on grounds of race, gender, religious, political or other convictions, ethnic origin, social status or economic situation. As a rule, different categories of prisoners were held in different institutions, and there was separation between men and women, minors and adults, and accused and convicted persons. In some solitary-confinement centres, and also in colonies and therapeutic institutions, there was overcrowding because of shortage of accommodation, although each prisoner had an individual sleeping area in accordance with established norms.

40. Medical care was provided in colonies and solitary-confinement centres in close cooperation with local health-care bodies; hospital and maternity care were provided in local clinics. There were some specialized colonies for persons sentenced to compulsory treatment for alcoholism and drug addiction, or monitoring of venereal diseases. Every detainee had the right to seek medical care. The incidence of disease had declined in 2000 compared with 1999, although there had been an increase in hepatitis A and B and tuberculosis, and cases of human

immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). Problems in medical care included outmoded equipment, and lack of funds to acquire medicines and supplies.

41. Upon arrival, every detainee was informed of the rules of conduct, disciplinary requirements, daily schedule, rights and obligations. Inmates were entitled to make complaints and requests through the administration, and were allowed regular meetings with relatives and other persons. Depending on the type of regime, they also had the right to conduct telephone conversations and receive mail and packages. Each colony had shops selling food and essential items.

42. A radio network, television sets, newspaper and magazine kiosks and subscriptions afforded prisoners access to the mass media. There were also prison libraries, and the Ministry of Internal Affairs put out a weekly newspaper for the prison population. Under the Code of Penal Procedure, prisoners were entitled to profess any religion and perform religious rites, provided they observed internal rules and did not encroach on the rights and lawful interests of others.

43. In the event of the death of a prisoner, the authorities immediately informed his next of kin. Irrespective of the cause of death, a judicial investigation was carried out by the Procurator's Office, whose conclusions were forwarded to the Ministry of Health. Corpses were given to prisoners' families. A system of benefits, allowances and incentives had been created, ranging from an expression of gratitude to early release. Thus, in 2000, over 6,500 prison terms had been reduced and over 3,500 prisoners had been granted early release. Over 2,000 persons had been transferred to less harsh prison regimes. A presidential order in August 2000 had granted amnesty to 12,200 detainees and reduced the prison terms of another 29,000. Prison registers were kept to help social rehabilitation centres find prisoners work and a place to live on their release.

44. The Zhaslyk prison in the Republic of Karakalpakstan, a strict-regime prison with a total capacity of 800, had been opened in June 1999 and currently housed 300 prisoners, 130 of whom were under the general regime in a completely separate area. Conditions of detention and procedure there were no different from those in any other Uzbek prison. To the extent possible, they were in conformity with

international standards, and they were entirely in keeping with the requirements of the Uzbek Code of Penal Procedure. In 2000, changes in the Penal Code had brought sweeping changes in the prison system. The courts had released more than 430 prisoners, and about 2,000 people had had their prison terms reduced.

45. In order to reduce the size of the so-called “special contingent” and in order to bring conditions of detention into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners, a huge effort was being made to rebuild and modernize penitentiaries, taking into account successful experiences in other countries, particularly countries with hot climates like Uzbekistan. The last solitary-confinement cell in Uzbekistan under the Soviet regime had been built in 1968 and the last prison, in 1980. The pre-trial detention centres in Karsha, Fergana and Kokanda dated back to the 1870s and the one in Kattakurgana, to the early twentieth century; the same was true of numerous other detention centres. In the 1950s and 1960s, wooden and other new prison facilities had been built in various locations. Recent years had seen the completion of new prison facilities in Fergana; additions to the facilities in Bukhara and Termez; and special prison facilities, for example, one in Navoy for prisoners with tuberculosis. Another regional facility would become operational during 2001.

46. The Joint Parliamentary Commission of the Ombudsman and the Committee for Defence and Security had carried out a study of prison conditions, particularly in Zhaslyk. The results of the study had been discussed at a joint meeting in March 2000; at that meeting, the efforts of the Ministry of Foreign Affairs to improve prison conditions had been found to be entirely satisfactory. In several cases, assistance to prisoners, including humanitarian activities, had been provided on the basis of an agreement between Uzbekistan and the International Committee of the Red Cross. A representative of the Red Cross had visited the Zhaslyk prison complex in March 2001. In February 2000, he personally had visited that site.

47. The past two years had witnessed only one death at the Zhaslyk complex, on 22 July 2000, in the health clinic. The prisoner had received medical treatment but had not survived. The autopsy report of July 2000 had identified arteriosclerosis of the heart and ischaemia of the stomach as the causes of death; the patient had also been suffering from tuberculosis and its complications.

A study had been carried out by the Ministry of Internal Affairs and verified by the Procurator of Karakalpakstan. There had been no evidence of the use of force.

Freedom of religion and expression (arts. 18 and 19)

48. **The Chairperson** invited the delegation to reply to the questions in paragraphs 13-15 of the list of issues, relating to imprisonment of persons as a consequence of their activities in unregistered religious organizations; legal restrictions on the registration and activities of religious organizations; further information on restrictions of freedom of opinion and expression specified by law and administrative practice; and the number of people arrested and charged pursuant to article 244-1 of the Penal Code criminalizing the distribution of printed material propagating ideas about “religious extremism”.

49. **Mr. Saidov** (Uzbekistan) said that religious organizations enjoyed the status of legal persons and could carry out their activities upon registration with the Ministry of Justice or its organs. Under the Penal Code, religious organizations were criminally liable for illegal religious activities, involvement in activities other than their declared activities, and other violations of the national legislation pertaining to them. In Uzbekistan, there were a number of religious organizations which carried out illegal activities, and unregistered religious organizations such as the Evangelical Christian Baptist Churches. In 1999, leaders of certain religious organizations, including the Union of Evangelical Baptist Churches, the Evangelical Christian Church and the Jehovah’s Witnesses, had been summoned before the administrative and criminal authorities to justify their activities; however, no prison sentences had been handed down. There was a ban on missionary activities; the formation of political parties or movements with a religious orientation; sects; and religious organizations that were profit-making, or engaged in terrorism, drug-dealing or organized crime. Religious organizations were not a strong presence in the educational system. A religious organization could be created by at least 100 persons over the age of 18 years who were residents of Uzbekistan. Their governing councils must be composed of persons who had received the necessary religious instruction. Religions could not be privately registered.

50. In response to the questions contained in paragraph 14 of the list of issues, he said that legislation on the media protected journalists and ensured their easy access to information. Restrictions on freedom of information included instances where the protection of the State, public order, or public health or morals would be affected, consistent with article 19 of the Covenant. The media could not be used for the purpose of changing the existing constitutional order or territory, or inciting cruelty, war, disturbances, religious persecution, activities which would undermine the authority of the State, or criminal activities, or for interfering in the private lives of citizens or violating their honour and dignity.

51. Lastly, in response to the question in paragraph 15 of the list of issues, he said that, in 2000, 1,346 criminal cases had been examined under the Penal Code and 2,381 persons had been charged with criminal offences. No statistics were available on incidents of religious extremism.

52. **Mr. Klein** commended the State party for ratifying the Covenant, the Optional Protocol and many other human rights instruments, and for launching the reporting process with its initial report. The three-year delay in submitting the report was understandable in view of the country's unstable situation during a transitional period in which it was still struggling to overcome the legacy of its past. He had hoped, however, that the situation in Uzbekistan would have improved by now, and that its practice would have kept pace with its numerous legal reforms. That did not seem to be the case, as evidenced by human rights violations, including allegations of torture, which the delegation had made no effort to conceal. The report would have benefited greatly from input by various non-governmental human rights organizations.

53. The wealth of information before the Committee from very diverse sources stood so overwhelmingly in contrast to the report and oral presentation that one wondered whether the latter were describing the same country. By all accounts, the human rights situation in Uzbekistan was seriously deteriorating and even regressing to that of former times. It was discouraging that, according to the Organization for Security and Cooperation in Europe (OSCE), the December 1999 legislative election had fallen far short of basic democratic requirements, and that, by the State party's own admission (para. 357 of the report), one third of the respondents to a social survey had felt that their

human rights were respected "very little" or "not at all". The State party should draw the appropriate inferences from that response.

54. There seemed to have been a misunderstanding in the State party's response regarding paragraph 5 of the list of issues. The Committee had not been seeking recommendations on the implementation of the Optional Protocol but rather information on specific national mechanisms to implement its Views, including details on the roles of the relevant government ministries to that end.

55. With regard to articles 6, 7, 9 and 10 of the Covenant, he welcomed the reduction in crimes that carried the death penalty but wished to know, in addition, the number of executions which had taken place in the past three years and the means of execution. The delegation should also give an account of the conditions on death row. The Committee had information that the size of some Uzbek prison cells was so small that they could not even accommodate a bed and that all the property of those condemned to death was confiscated, leaving the family in a desperate situation. The cases where corpses were not given to the families but rather buried at some unknown site fuelled suspicion that torture and inhumane treatment were practised. What the delegation had said about detention facilities stood in sharp contrast to the many allegations before the Committee of torture-related deaths in prisons, labour camps, the notorious basement cells of the Ministry of Internal Affairs and the strict-regime prison camps in Navoy and elsewhere. Corpses returned to the families had borne bruises and had had broken ribs, in violation of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the provisions of the Covenant. He enquired whether such cases had been investigated and, if so, how many prison guards and police officers had been convicted and dismissed. He would appreciate information in general on measures being taken by the State party to prevent such large-scale violations of articles 6 and 7.

56. Under Uzbek law and jurisprudence, arrested persons had immediate access to counsel; however, according to the delegation, they had access to a lawyer only after charges were brought, i.e., after the extremely vulnerable phase of police interrogation. There had also been reports of trials without counsel or without the attorney of the defendant's choice. In fact, noting that the State party seemed to be violating every

provision of articles 6 and 7 of the Covenant, he called on it to live up to the high standards set out in paragraph 176 of its report on the “humaneness of the Uzbek State”.

57. He had been alarmed to learn that the Government of Uzbekistan had forcibly resettled an estimated 2,000 to 6,000 mountainous ethnic Tajiks to the Sherabad region, an area 250 kilometres away. In a sudden military action, they had been forced to leave their homes without animals, clothes or food and had been herded into helicopters and transported to a new location, where no preparations had been made for their arrival. Meanwhile, their villages had been bombed and destroyed. Apparently, many persons who had tried to resist had been arrested and had never been heard from again. That action violated articles 6, 7, 10, 12, 15, 17, 23, 24, and possibly also 26 and 27. Those persons surely belonged to the one third of the population that believed that the State did not respect their human rights. The Government should give its account of that action, and describe any measures it had taken to remedy those violations.

58. **Mr. Ando** said he was grateful to the State party for the good written report and concise oral replies. It was important for the delegation to understand that it could take several months for a lengthy document to be translated, and that therefore its 70-page written reply to the list of issues, which had been made available only that day and only in Russian, could not be read by most members of the Committee.

59. **Mr. Klein** had rightly pointed out that there was a marked difference between law and reality in Uzbekistan, in particular with regard to articles 7, 9 and 10. Article 16 of the Constitution of Uzbekistan stipulated that none of the provisions of the Constitution should be interpreted in a way detrimental to the rights and interests of the Republic of Uzbekistan. International law accorded to States rights and obligations vis-à-vis other States; he would like to know, however, what was meant by the rights and interests of a State vis-à-vis its own citizens, and how the decision as to what constituted those rights and interests was made. It would be useful to know whether citizens could criticize government policies or criticize the President himself, what procedure determined whether an act violated article 16, and whether and in what cases that article had been applied.

60. He would also like to know the scope of the right of self-determination of the people of Karakalpakstan, discussed in paragraph 61 of the report, and in articles 70-75 of the Constitution, especially with regard to their right to participate in political affairs, including elections. Article 70 stated that the sovereignty of the Republic of Karakalpakstan should be protected by the Republic of Uzbekistan. It would be useful to know what was meant by sovereignty, what was the scope of that sovereignty, and whether Karakalpakstan had its own laws regulating such matters as the family, trade, residency, and freedom of movement within its territory.

61. With reference to articles 69-73 of the Constitution, he would like to know how the boundaries between Uzbekistan and Karakalpakstan had been determined, whether they were changeable, and if so, how they were changed. In addition, it would be useful to know the legal status of the agreements concluded by those two States regulating the relationship between them, referred to in article 75, how many such instruments existed, what was their substance, and whether they had been registered with the Secretariat of the United Nations for publication in the *Treaty Series*.

62. It would be useful to know, moreover, what was the procedure for reconciliation if a dispute arose between those two States, also referred to in article 75, and whether secession was included among the possible disputes to be settled by reconciliation. With reference to article 74, which stipulated that Karakalpakstan had the right to secede, he would like to know whether a detailed procedure for the holding of a nationwide referendum had been established.

63. Furthermore, the State party should describe the competence and procedures of the Higher Economic Court. He would be interested to know whether its jurisdiction was separate from that of the ordinary courts, whether economic matters included financial considerations related to such family matters as divorce, child custody and inheritance, and whether its decisions could be appealed before the Supreme Court or the Constitutional Court.

64. He commended Uzbekistan for its constitutional article designed to protect the environment, and for the attention paid to that matter in the report. The Aral Sea was nonetheless drying up and various species of fish were perishing. It would be useful to know what

concrete measures the Government had taken to remedy that problem, which directly affected the right to life of the inhabitants of that region.

65. With reference to the stipulation, expressed in article 16 of the Constitution, that its provisions should not be interpreted in a way detrimental to the rights and interests of the Republic of Uzbekistan, he would like to know what was meant by the statement, contained in article 29, that freedom of opinion and its expression could be restricted by law if any State or other secret was involved. The term "State secret" was worrisome; "other secret" even more so.

66. With reference to paragraphs 274 and 276 of the report, it would be useful to know whether any foreign journals or newspapers were available in Uzbekistan, whether foreign journalists were permitted to enter the country, if so, how many, and what restrictions were placed on their freedom of movement. It would also be helpful to know whether international non-governmental organizations were permitted to operate in Uzbekistan, and what was their relationship to domestic non-governmental organizations. Finally, with reference to paragraph 278, he wondered whether and to what extent citizens were permitted access to official records.

67. **Mr. Amor** said that while the report in general was complete, detailed and frank, he found certain parts to be overly abstract. An example was the section dealing with article 9 (paras. 174-189), which described the relevant laws, but none of their practical implications. Certain matters, related to such issues as torture and the death penalty, seemed either unstated, hidden or oblique. Although the report showed a will to break with the past, it also demonstrated a certain caution or reluctance, as though one step forward also called for one step back. Paradoxes abounded. Although in some regions of the country, women were almost entirely subjugated to the will of their husbands, in certain employment sectors, women were in the lead. The society seemed to be both open and hermetic, in particular with regard to the political expression of certain sociological realities.

68. In his view, one of Uzbekistan's greatest problems was the political regulation of religion, which might be a means of either advancing or hindering progress towards religious freedom. The State party should describe such regulations in the fullest, frankest manner possible, to allow the Committee to determine

whether, and to what extent, the relevant provisions of the Covenant were being protected. Difficulties did not justify violations of the Covenant. The report frequently invoked religious intolerance; a State must not be tolerant of intolerance. It would be useful to know the views of the Government with regard to extremism and fanaticism; in particular, what it interpreted those terms to mean and whether, in its view, they were related to terrorism. Precise definitions were necessary in order to evaluate the situation correctly. If extremism was found to exist, would that justify any course of action? Was extremism an internal matter, or did it originate abroad? Excesses of the past, such as extreme religious ideologies, might explain the current phenomenon of expelling foreigners, and of depriving of their nationality Uzbeks who left the country without registering with the consular authorities.

69. Paragraph 259 of the report was entirely enigmatic, and called for an explanation. With regard to the matter of the registration of religious organizations, paragraph 290 indicated that about 300 religious organizations had been refused registration because of non-compliance with the rules, and spoke of the need for approval by a Committee for Religious Affairs. It would be useful to know the nature and functions of that Committee. Did it uphold a set of criteria or did it enjoy excessive discretionary power?

70. He would be interested to know what was meant, in paragraph 77, by termination of citizenship on the grounds of loss of citizenship, and what was meant by "other grounds". It was remarkable that an Uzbek who settled outside the country without registering with the consular authorities could lose his citizenship. According to paragraph 273, members of the media were liable for the trustworthiness of the information they disseminated: he would like to know who was responsible for proving that such information was inexact, and whether it fell to the State to prove that the information was incorrect, or to the journalist to prove that it was correct. Furthermore, the notion of "State secrets", raised by Mr. Ando, especially when coupled with the notion of "other secrets", was not only extremely elastic, but entirely ambiguous and obscure. The statement, contained in paragraph 284, that reasons must be given when rallies or meetings were banned, called for clarification. More information would be welcome concerning representation by ethnic minorities in public life, mentioned in paragraph 370.

71. In general, the Committee would like more background information that would allow it to understand the political and religious situation currently reigning in Uzbekistan. Lastly, he would like to know why the Government of Uzbekistan had not submitted a declaration of a state of emergency during the civil disturbances that had occurred in recent months, in accordance with article 4 of the Covenant.

72. **Mr. Saidov** said that his delegation greatly appreciated the desire of the members of the Committee to comprehend the situation in Uzbekistan. It had appeared before the Committee fully intending to participate in an open, unbiased discussion. Recognizably, there were problems in Uzbekistan; the Government would do its utmost to correct them as promptly as possible. His country would welcome the Committee's recommendations and was grateful for its illuminating questions and criticisms: it was often easier to identify problems from the outside than from within. The Human Rights Committee was the summit of international efforts to defend civil and political rights throughout the world, and his delegation looked forward to a constructive dialogue the following day.

73. **The Chairperson** said it was important for the delegation of Uzbekistan to understand that its written replies had not been read by most members of the Committee, since the text had been received only that day, in Russian.

The meeting rose at 1.05 p.m.