



**THE EMBASSY OF THE REPUBLIC OF UZBEKISTAN
TO THE KINGDOM OF BELGIUM
MISSIONS TO THE EUROPEAN UNION AND NATO**

*Address: Av. Franklin Roosevelt, 99, 1050
Brussels, Belgium*

*t. 322-6728844, f.322-6723946,
e-mail: press@uzbekistan.be*

PRESS-RELEASE

14 March, 2007

**COMMENTS OF THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF UZBEKISTAN
TO A REPORT OF THE INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS (IHF)
«The Decimation of the Human Rights Community in Uzbekistan»
Tashkent, March 2, 2007**

	Baseless allegations of IHF	Comments of the Uzbek side
1.	This report, which is primarily based on information obtained during a recent fact-finding mission to Uzbekistan by representatives of the IHF, documents the ongoing persecution of human rights defenders in Uzbekistan.	For the last time there were no requests from IHF to organize a visit to Uzbekistan for its delegation in order to have an acquaintance with human rights situation in the Republic. Federation representatives have not officially visited the Republic of Uzbekistan. The report has been written on information received from doubtful and unverified resources. It is preconceived and distorts real state of affairs.
2.	Following the May 2005 events in Andijan, when hundreds of civilians protesting repressive government policies were killed through the indiscriminate and disproportionate use of force by security and	Allegations in this clause of the report are unsubstantiated. During events in Andijan Uzbekistan has undergone terrorists aggressions during which number of groups of armed militants, in more than 100 people, attacked a military unit and a patrol-sentry duty of police department and seized 334 units of fire-arms, released more than 500 prisoners from city prison and

law enforcement officials, the Uzbek authorities launched an unprecedented attack on human rights defenders, political activists, journalists and other opponents of the regime. This crackdown has had a devastating impact on the country's civil society as numerous NGOs and media outlets have been forced to close down, many prominent activists and journalists have fled abroad and others have abandoned their activities because of pressure and intimidation.

distributed weapons among them, attacked governmental building and civil sites. They took 70 officials of the Government, law enforcement officers and civilians as hostages and organized attempts of armed takeover the power in Andijan region and destabilize situation in Uzbekistan.

As a result of this terrorist attack 187 people have been killed, 94 out of them are terrorists, 60 - peaceful citizens, 11 – soldiers and 20 - law enforcement officers. 287 people were injured, including 91 peaceful citizens, 49 law enforcement officers and 59 soldiers.

Every country in the world which experienced such aggression accompanied by the seizure of the building of local administration and hostages, who were tortured and then brutally killed, could have the right to take appropriate measures. Uzbekistan made the decisions, which it had to take. Furthermore, today is clear, that Uzbekistan managed to liquidate aggression of terrorists in the very beginning, who planned to capture not only Ferghana valley but also the whole Central Asia.

The results of the investigation and trials, conducted in full conformity with requirements of national and international legislation, demonstrated that terrorist attacks in Andijan were thoroughly planned and organized by external destructive forces action aimed at violent overthrowing of constitutional order in Uzbekistan.

During the investigation 11916 witnesses, victims and civil plaintiffs were interrogated, there were 3664 confrontations, 2827 examinations of the scenes and exhibits by making photo and video attachments on each of them, 326 inspections of evidences on the scenes of events, 3217 various types of forensic enquiries, including 584 medical, 589 ballistic, 363 criminalistic, 667 biological 224 chemical, 162 commodity research, 64 religious studies and 564 other types of examinations. 9486 exhibits and written evidences were found and confiscated, more than 4500 resolutions on conducting various investigation activities prescribed by the Criminal Code were adopted. The materials on inquiry into the Andijan events concentrated in 2823 volumes.

A public trial of the 15 people most active in organizing and carrying out the terrorist acts in Andijan was held from 20 September to 14 November 2005.

The representatives of diplomatic missions and international organizations,

including the United Nations, the Office of the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights, the Shanghai Cooperation Organization and as well as international human rights organizations had free access to court room.

There were no restrictions on the part of judicial authorities in monitoring the course of the trial process which carried out in strict conformity with the national legislation.

During the trial, international observers had the opportunity to familiarize themselves with all the investigation materials, testimony from witnesses, victims and civil plaintiffs and all the available evidence (including audio and visual materials, findings contained in numerous expert assessments, reports of the inspection of the site where the events occurred, confiscated weapons both those seized during the attack on military facilities and those brought in by terrorists from outside). They had the opportunity to observe virtually the entire examination of the above-mentioned evidence carried out by the court.

Legal proceedings respected procedural regulations and were in strict compliance with international standards and norms of domestic law, all accused were provided with the right for defense and opportunity to appeal the verdict against them.

The measures undertaken by the law enforcement to suppress actions of terrorists had reciprocal character and were applied within the limits of commonly accepted standards of criminal law, such as “absolute necessity” and “necessary defense”. These measures were fully correspond with the provisions of Main Principles of use of force and fire-arms by the officials on maintaining law and order, adopted in 1990 by the UN Eighth Congress on Prevention of Criminality and Handling of Offenders. Also these measures were correspond with Code of Conduct by officials on maintaining law and order, adopted by the UN General Assembly Resolution 34/169 on December 17, 1979.

The firearms during the Andijan events were used only for neutralization of violent actions by militants, repulse their armed attacks, limitation of negative consequences, and liquidation of militants.

The Uzbek Government has acted in compliance with existing international

legal norms, in particular according to Article 51 of the UN Charter.

At the request of the European side, a visit of delegation of the EU experts for discussion of the report on results of investigation of terrorist acts in Andijan, which was prepared by the competent bodies of republic, has been organized to Uzbekistan on December 11-15, 2006. All necessary conditions for fruitful and effective work of the EU experts have been created. While drawing up the program of stay all wishes of the European side have been taken into account. The EU experts were provided with the package of information, sound and visual materials that allow to make a full picture of tragic events from their beginning to end, including capture, tortures and murders of hostages from peace citizens and employees of law enforcement bodies by the terrorists.

Allegations that «the Uzbek authorities suppressed activity of human rights defenders, journalists and eyewitnesses of murders in Andijan with the purpose of strengthening the official version of events» are proofless and have no grounds.

In Uzbekistan, as well as in all democratic countries, everyone has the right to freedom and personal inviolability that is fixed in the national legislation. Nobody can be subjected to arrest or holding in custody differently as on the basis of the law.

Everyone accused in committing a crime is considered innocent while his guilt will not be established by lawful order, by public and impartial proceeding at which he is provided with all opportunities for defense.

Following the tragic events in Andijan, investigative actions were carried out to identify those involved in the criminal acts and to shed light on the circumstances surrounding the events.

All the actions were carried out in accordance with the law and in the interests of national security, and were no different to those taken, for example, by the United States authorities following the events of 11 September 2001, or by the British authorities following the explosions in London in July 2005.

In Uzbekistan, the activity of NGOs is supported and guaranteed by the State. In the Republic, a robust corpus of law has been established for their activity. The Constitution of the Republic of Uzbekistan enshrines State-ensured guarantees for NGOs, which serve as a unique bridge between the State and

society in the Republic.

At the present time, there are over 5,000 NGOs functioning in the country, including international NGOs. They include such organizations as the Committee for the Protection of Individual Rights of Uzbekistan, the Uzbek branch of the international organization Human Rights Watch, the Center for Human Rights and Humanitarian Law, the Independent Organization for Human Rights of Uzbekistan, the Human rights Society of Uzbekistan Ezgulik and the Democracy and Human Rights Institute.

Uzbekistan believes that civil society institutions should serve to strengthen ideas which are historically central to the people of Uzbekistan, such as inter-ethnic, interreligious and intercultural tolerance and harmony.

However, in Uzbekistan, as in most countries, the principle of the supremacy of law is operative, and it applies to non-governmental organizations as well, if they commit egregious or deliberate violations of the objectives laid out in their constituent instruments or of the regulations governing their activity in Uzbekistan.

In cases where the constituent instruments and other documents of an NGO run counter to legal requirements, in particular the Acts, "On non-governmental not-for-profit organizations", "On civic associations", "On political parties" and "On foundations", as well as the Regulations "On consideration of applications to register the charters of civic associations operating in the territory of the Republic of Uzbekistan", organizations may be refused the opportunity to register. Such a decision may be appealed in court at various levels of the judiciary.

3. Those few committed and courageous individuals who continue their efforts to hold the Uzbek authorities accountable to their international human rights obligations.

U.Kattabekov, N.Kholjigitov, S.Zaynabidinov, N.Isakov, A.Khudaynazarov and others mentioned in the report as human rights defenders, in fact are violators of criminal law and in correspondence with Criminal Procedural Code of Uzbekistan have been brought to legal liability for concrete penal actions. Bringing to account mentioned persons have nothing to do with their social activity. All the cases examined in trial process before and after the Andijan events are based on facts of concrete violations of national legislation. It is generally known that in similar cases according to universally accepted norms, nobody has immunity from legal liability.

4.	<p>Human rights defenders are routinely held under surveillance, with their movements and phone conversations being closely monitored by police and security services. They are also often prevented from moving around freely inside of the country and banned from traveling abroad.</p>	<p>Assertions given in this part of the report are unsubstantiated and are not supported by concrete facts. In Uzbekistan the provisions of 27th article of the Constitution of the Republic are strictly observed. Thus, it says: “Everyone has right for protection from infringement of his honor and dignity, interference with his private life, and inviolability of his house. Nobody has right to enter house, to conduct a search or examination, to break secrecy of correspondence or telephone communications, other than in case and order, envisaged by law”. Similarly, in accordance with article 28: “Citizen of the Republic of Uzbekistan has right for free movement across the territory of the Republic, entry in the Republic and exit from it, in exception with limitations, constituted by law”.</p>
5.	<p>The authorities have sought to discredit and mobilize public sentiments against human rights defenders and their families by orchestrating media defamation campaigns and shows of alleged “spontaneous public outrage” and by accusing them of “immoral” behavior, such as sexual harassment or organized prostitution.</p>	<p>IHF assertion does not correspond to reality. Governmental bodies have not received any appeals or complaints in regard to organization of any actions against them mentioned in the report. It worth mentioning, that according to article 27 of the Constitution in case of any oppression each citizen has right for protection from encroachments on his honor and dignity.</p>
6.	<p>A considerable number of human rights defenders, political opposition activists and independent journalists have been convicted on apparently politically motivated charges and imprisoned in the aftermath of the Andijan events. The charges brought against them have ranged from fraud and blackmail to “anti-constitutional” and “extremist” activities, and there are serious concerns that they often have been ill-treated and tortured in an attempt to force them to confess.</p> <p>While some of those imprisoned were released under a general amnesty introduced in late 2006, many others continue to serve their sentences in harsh conditions and are</p>	<p>Allegation contradicts to a real state of affairs. All the cases examined in trial process before and after the Andijan events are based on facts of concrete violations of national legislation. It is generally known that in similar cases according to universally accepted norms, nobody has immunity from legal liability.</p> <p>The allegations given in the report show that IHF a priori gives preference to rumours and speculations of some politically prejudiced sources and does not use the information on public condemnation of tortures in all its form and measures of the government of Uzbekistan to struggle against torture which was repeatedly distributed as official documents of the United Nations.</p> <p>The Government of Uzbekistan, using all resources available at its disposal and possibilities, conducts gradual and tough struggle against any infringements of human rights, including torture of people.</p> <p>In 2002 Uzbekistan for the first time in the territory of the former USSR invited the UN Special Rapporteur on torture Teo Van Boven to visit country.</p>

frequently subjected to disciplinary punishments, solitary confinement, restrictions on their communication with the outside world as well as physical abuse.

In March 2004, Government of Uzbekistan adopted the Action Plan on implementation of the Convention against torture and other cruel, inhuman or degrading treatment or punishment, including recommendations of the Special Rapporteur Teo Van Boven. Proper information about realization of the above mentioned Plan was already sent to the abolished UN Commission on Human Rights and most recently to the Human Rights Council.

After the visit of the UN Special Rapporteur torture was condemned by all branches of the state power in the Republic of Uzbekistan. It was made both on legislative, executive and judicial level. In 2003-2004 two plenary sessions of the Supreme Court of the Republic of Uzbekistan were dedicated to this issue, where using illegal methods of conducting investigation was widely condemned.

In 2003 in the republic proper amendments brought to article 235 (use of torture and other cruel, inhuman and degrading treatment) of the Criminal Code, which envisages punishment in the form of imprisonment from 3 up to 8 years for using torture. Whereas the notion "torture" is defined in the national legislation according to article 1 of the UN Convention against torture.

The Resolution No.12 dated 24.09.2004 of the Supreme Court of the Republic of Uzbekistan states about inadmissibility of evidences, gained under torture or any other unlawful means of treatment.

The Prosecutor General of the Republic of Uzbekistan on 17.02.2005 issued the Order No.40 «On fundamental improvement of prosecutor supervision on observance of rights and freedom of citizens during criminal procedure» that demands from prosecutors to provide strict implementation of provisions of the UN Convention against torture and national legislature in this field.

Information about torture or other illegal method of treatment is checked by prosecution bodies, upon result of which the due measures of response are taken.

According to court statistics for 2005-2006, 19 persons were convicted for application of torture and in regard of them corresponding measures of criminal punishment were applied and the amount of the material damage caused by a crime was recovered.

Besides that from beginning August 2005 the National Security Council

under the President of the Republic of Uzbekistan carries out preventive work in order to prevent and to suppress the unlawful actions and abuse by the personnel of law enforcement bodies of the republic in regard to convicts and detained people both convicted for committing crimes in the ranks of the religious extremist and terrorist organizations, as well as for committing general crimes, and to provide the absolute observance of criminal legislation.

It should be noted that only in 2006 in collaboration with UNDP three important events on Convention against torture were held in the Legislative chamber of the Parliament of Uzbekistan. In January 2006 parliamentary monitoring of activity of law-enforcement bodies and penitentiary establishments in Tashkent city and Tashkent region on observance of provisions of Convention against torture was conducted.

In June 2006 a three-day practical scientific seminar “Implementation of provisions of the Convention against torture into the national law of the Republic of Uzbekistan” was organized in cooperation with the UNDP, where members of parliament, employees of the law-enforcement bodies, barristers, scholars and lecturers of higher education institutions.

In December 2006 the Committee on the international affairs and inter-parliamentary relations of the Legislative chamber of Oliy Majlis of the Republic of Uzbekistan in collaboration with the UNDP organized a round table on a theme «Improvement of the legislation on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment».

There is no ground for concern about the fate of citizens of Uzbekistan who are serving their sentences for committing concrete penal crimes, as their physical and moral inviolability are fully protected by the state. Their rights are completely observed according to norms of the national legislation of the Republic of Uzbekistan, and also basic international documents in the field of human rights, including the Universal human rights declaration, the Convention against tortures to which Uzbekistan is party.

In Uzbekistan for the religious beliefs nobody is pursued. According to the legislation of Uzbekistan, each person has the right to freedom of idea, conscience and religion. This right includes freedom to change the religion or

belief and freedom to profess the religion or belief both individually, and together with others.

Conditions of keeping suspects under custody in investigatory isolators and condemned in penitentiary establishments correspond to the requirements of the Criminal - executive code of Uzbekistan and to the United Nations Standard Minimum Rules for the Treatment of Prisoners.

The legislation guarantees to the persons condemned to imprisonment the right on personal safety (article 11 of the Criminal - executive code of Uzbekistan). Besides the normative documents of the General Department for Punishment Execution of the Ministry of Internal Affairs of the Republic of Uzbekistan do not stipulate the solitary confinement.

In Uzbekistan completely new concept of judicial - legal system was introduced.

In the field of criminal court proceedings it was taken the following measures, directed at providing courts independence:

- It was carried out specialization of courts on criminal, civil and economic cases;

- It was introduced the institutes of appeal and cassation court proceeding;

- Terms of investigation and detaining of people are reduced by the law, and it was established tough terms of court proceedings;

- It was created democratic legal mechanism of selecting and appointing the judicial staff;

- It is functioning the Department on executing court decisions, and courts were freed from functions unusual for them;

- In courts it is provided the competition principle, that is equality of the rights of the public prosecutor and the lawyer;

- According to the Decree of the President it was elaborated legal mechanisms of transferring of sanctions on arrest from Prosecutor to courts (habeas corpus), which will enter into force from January 1, 2008.

- According to the Decree of the President organizational - legal conditions for a complete cancellation of a death penalty from January 1, 2008 are being prepared.

In the field of criminal and penitentiary legislations classification of crimes is

completely changed, the list of the criminal actions, falling under a category of less severe and out of public danger, is expanded. As a result of such approach only for last 2,5 years about 5 thousand people, committed crimes, that is not generating big public danger, were not imprisoned and they compensated a material damage in amount of 11 billion soums;

The institute of reconciliation, within the framework of realization of justice, is entered into the legislation. Implementation of this institute enabled to release from the criminal cases over 40 thousand people.

With respect to more than 7 thousand persons, who have compensated material damage for the sum over 20 billion 650 million soums, verdicts that have been not connected to imprisonment were passed.

In 2005 the number of cases invoked penalty of imprisonment were as twice less as in 2000.

The number of articles according to which the right on preschedule release is given is increased.

Since 1997 Amnesty Acts concerning accused and condemned are applied in regular basis and as a result more than 200 thousand persons have been released till now.

Due to liberalization of the criminal legislation, the number of the persons, serving punishments in penitentiary establishments has considerably decreased for the last four years, and in comparison with many CIS republics their number per capita has decreased 2 – 3 times.

At the present, according to the number of imprisoned (39 thousand) Uzbekistan ranks per capita the best - last place among the CIS countries. In other words, the number of imprisoned comprises 158 people per 100 thousand population (for comparison: in the Russian Federation - 607, Turkmenistan - 489, Belarus - 426, Ukraine - 360, Kazakhstan - 340).

Liberalization of criminal legislation also touched the penitentiary system. Today penitentiary system is open for national and international non-government organizations. Penitentiary facilities were visited a number of times by the EU delegation, representatives from the embassies of the United States, France, UK, Italy, Netherlands, Russia, Iran, Turkey and other countries as well as by correspondents of foreign media such as BBC channel 4, «France Press»,

«Associated Press», «Reuters» and other.

To prove of openness of Uzbekistan to international cooperation and its adherence to democratic values we can mention longstanding cooperation with the International Committee of Red Cross. During 2001-2004 representatives of ICRC conducted 90 visits to places of detention in Uzbekistan that means practically every penitentiary institutions of the Republic.

The main aim of such visits was to find out how the convicts are treated, evaluate the prison conditions and to research whether there are any forms of mistreatment, including torture.

In procedural practice carrying out of independent investigations under complaints and other references of public about application of illegal methods of treatment gradually takes root. In particular, 3 independent investigations are carried out in 2004-2005 with participation of foreign experts in death cases that caused a wide public resonance («A.Shelkovenko Case» (June 2004), «Arnasay Case» (August, 2004) and «S.Umarov Case» (January, 2005)). In all three cases several human rights organizations, including international, have groundlessly accused law enforcement bodies of Uzbekistan in death of the condemned persons, and also about presence of «a systematic application of tortures». Results of the specified investigations have shown inconsistency of such unreasonable and proofless charges. From this it is possible to draw a conclusion, that such organizations are quite often guided by unreliable information and their activity, in most cases, is directed on deliberate discreditation of the policy of the Government of Uzbekistan in the field of human rights protection and promotion.

7. The Soviet-era technique of forcibly detaining dissidents in psychiatric hospitals has been used repeatedly against human rights defenders and political activists in the post-Andijan period. Women activists are particularly vulnerable to becoming victims of this form of pressure.

This IHF assertion is unsubstantiated.

In accordance with article 25 of the Constitution of the Republic of Uzbekistan, “Everyone has right for freedom and personal inviolability. Nobody can be subjected to arrest and detainment, unless on legal basis”. In correspondence with national legislation, an individual suffering of mental disorders cannot be sued as the accused. Basing on judicial- psychiatric expertise and articles 265-266 of Criminal Procedural Code of the Republic of Uzbekistan, court can make a decision to apply compulsory measures of medical character in regard to that or another person.

8.	<p>Relatives of human rights defenders have also been targeted in an attempt to put pressure on human rights activists to stop speaking out about human rights violations. They have, inter alia, been threatened, dismissed from their jobs, beaten, arrested and prosecuted and imprisoned on fabricated criminal charges.</p>	<p>IHF assertion is unsubstantiated.</p> <p>Law enforcement and judicial authorities of the Republic have not received any appeals or complaints from citizens of Uzbekistan on persecution, beating, arbitrary detention, dismissions from jobs, etc.</p> <p>The law of the Republic of Uzbekistan “On appeal in court of acts and decisions, violating rights and freedoms of the citizens” envisages guarantees of individuals’ rights protection from illegal actions from executive power organs.</p> <p>In view of Vienna declaration recommendations and Paris principles, quite new structures in legislative and executive power structures, so called national institutions on human rights protection, have been established.</p> <p>They include Parliamentary Ombudsman, National Center of human rights, Institute for monitoring of current legislation and others.</p> <p>Ombudsman examines complaints on actions or negligence of officials, infringing rights, freedoms and citizens’ legal interests and has right to organize his own investigation.</p> <p>Practice witnesses on tendency of citizens’ applications rise to the Office of Human Rights Authorized Person (Ombudsman). To illustrate, in course of 1995-1999 years Ombudsman received 9889 appeals and complains from citizens; in 2000-2005 this index made up about 30 thousands.</p> <p>In order to provide more active community participation in provision of citizens’ rights and interests, and to inform population about Ombudsman’s activity, Representatives of Human Rights Authorized Person also work in regions. Expert groups have also been formed under Ombudsman’s regional representatives.</p>
9.	<p>The IHF calls on the European Union, and the rest of the international community, to address the situation of human rights defenders in Uzbekistan as a matter of priority and to take urgent, coordinated and sustained action to put pressure on the Uzbek government to end its persecution of those engaged in legitimate activities to promote respect for international human rights</p>	<p>Uzbekistan is interested in the enhancing and strengthening the relations with the European Union at all levels of interaction on the principles of equality of rights and non-interference into internal affairs. The development of the relations between the EU and Uzbekistan unambiguously responds to interests of the republic and the EU member-states.</p> <p>Any cooperation should be developing on the principle of “two-way traffic”, and the “language of sanctions and resolutions” does not correspond to establishing constructive and partner interaction.</p> <p>However, from recent years a number of countries actively use the auxiliary</p>

<p>standards. The repression of human rights defenders and other opponents of the regime should be prominently and systematically raised in EU dialogues with the Uzbek government and any further weakening or lifting on the EU sanctions imposed on Uzbekistan in late 2005 should be made conditional on concrete and meaningful progress with respect to the opportunities of human rights activists to carry out their work.</p>	<p>and specialized bodies and institutions of the UN, including Human Rights Council in order to exert political pressure upon Uzbekistan, speculating on human rights issues. Applying legal mechanisms and special procedures of the United Nations, these countries groundlessly accuse the Government of Uzbekistan in human rights violatiots.</p>
--	---

	IHF's baseless recommendations to the EU member states	Comments of the Uzbek side
1.	<p>Address the persecution of human rights defenders, and other pressing human rights concerns, as a matter of priority in their interactions with Uzbekistan, making clear to the Uzbek government that its human rights policies and practices will continue to have implications for mutual relations.</p>	<p>Uzbekistan considers completely inadmissible the attempts to politicize human rights theme and use «double standards» policy with respect to the independent states.</p> <p>Use of human rights matters as a pretext for intervention in internal affairs of the states is directed on undermining the existing system of international relations and ignoring the basic norms of international law and principles stated in the UN Charter.</p> <p>Uzbekistan is interested in development and strengthening the relations with EU at all levels of interaction, on principles of equal in rights cooperation and non-interference in internal affairs. Thus any cooperation should develop by a principle of «bilateral counter movement» and «the language of sanctions and resolutions» does not promote adjustment of constructive and partner interaction.</p>
2.	<p>Raise human rights issues as an essential and integral part of all political discussions conducted with the Uzbek government and ensure that such issues are not relegated solely to the envisaged EU-Uzbek human rights dialogue, which also must not be</p>	<p>The government of the Republic of Uzbekistan, from the first days of independence has proclaimed adherence to human rights and principles of the state sovereignty, has confirmed fidelity to ideals of democracy and social justice, recognizes priority of conventional norms of international law, aspires to provide a worthy life to citizens of the republic, and aims to create a humane democratic lawful state and maintenane civil peace and national consent.</p>

	allowed to become an excuse for watering down the EU sanctions against Uzbekistan currently in place.	The government of Uzbekistan, using all resources and opportunities available, conducts consecutive and systematic work on performance of obligations taken on within the framework of international and regional organizations.
3.	As a minimum, retain the sanctions imposed on Uzbekistan in late 2005 beyond the period currently foreseen and, preferably, strengthen the sanctions so as to extend the ban on travel to the EU to Uzbek President Islam Karimov and other top government officials and to impose EU-wide measures to freeze the assets of all the officials on the visa ban list (as recommended by the European Parliament in its resolution on Uzbekistan adopted on 26 October 2006).	<p>Now, when the dialogue between Uzbekistan and the EU on all questions of bilateral interaction including the human rights is established and successfully develops, similar IHF statements seem, at least, prevocational.</p> <p>Uzbek side believes, that cooperation between Uzbekistan and the EU should develop by a principle of «bilateral counter movement» and «the language of sanctions and resolutions» does not promote establishment of constructive and partner interaction.</p>
4.	Make any further weakening or lifting of the sanctions conditional on concrete, measurable human rights progress (in light of the criteria spelled out in the initial sanctions decision adopted by the EU Council on 3 October 2005), and formulate and pursue specific benchmarks to this end.	<p>From the first days of its independence and without relation to any concrete event Uzbekistan conducts purposeful policy on people's spiritual, intellectual and legal values revival, undertakes efforts in direction of democratic reforms in economic, political and social spheres. The Republic has worked out its own way of state reformation, its own model of transformation from authoritarian regime to democratic society, determined concrete trends of activity in human rights protection and promotion.</p> <p>Human rights priority and law superiority in all the spheres of social life, as well as priority of norms of international law over national legislation have been announced in the Constitution of the Republic.</p> <p>The government of the Republic of Uzbekistan proceeds from the principle of individuals' interests being superior value and does everything possible to provide its citizens with universally accepted rights and freedoms.</p>
	The EU should in particular demand that the Uzbek government:	IHF recommendation is baseless, since:
	a) Ends the ongoing crackdown on human rights defenders, political opponents,	In Uzbekistan, as well as in all democratic countries, everyone has the right for freedom and personal inviolability that is fixed in the national legislation.

	<p>independent journalists and others involved in legitimate activities to hold the Uzbek authorities accountable to their international human rights obligations, as well as their relatives;</p>	<p>Nobody can be unlawfully subjected to arrest or held in custody.</p> <p>However, there is a category of persons who have committed penal acts, and speculating on human rights theme and falsely conferring a rank of «human rights defender», pursue their mercenary purposes and deliberately deform a real situation in the country. Such persons are not only indifferent to the needs of people, but also discredit the concept of «human rights defender» and cover themselves with this rank.</p>
	<p>b) Promptly releases all human rights defenders and their relatives who have been imprisoned or forcibly detained in psychiatric institutions on politically motivated grounds;</p>	<p>Certain political circles try to create within the world community the opinion that ostensibly the infringements of human rights take place in Uzbekistan. With this purpose the tactic when the persons accused in committing criminal acts, are presented as people suffering for political convictions and exposed for it to reprisals on the part of authorities is used.</p>
	<p>c) Allows local and international NGOs to operate without government interference and undue restrictions, including by ensuring that all NGOs can obtain registration or re-registration through an uncomplicated and transparent process and revoking the ban on participation in the activities of unregistered groups;</p>	<p>In Uzbekistan, the activity of NGOs is supported and guaranteed by the State. In the Republic, a robust corpus of law has been established for their activity. The Constitution of the Republic of Uzbekistan enshrines State-ensured guarantees for NGOs, which serve as a unique bridge between the State and society in the Republic.</p> <p>At the present time, there are over 5,000 NGOs functioning in the country, including international NGOs. They include such organizations as the Committee for the Protection of Individual Rights of Uzbekistan, the Uzbek branch of the international organization Human Rights Watch, the Center for Human Rights and Humanitarian Law, the Independent Organization for Human Rights of Uzbekistan, the Human rights Society of Uzbekistan Ezgulik and the Democracy and Human Rights Institute.</p> <p>Uzbekistan believes that civil society institutions should serve to strengthen ideas which are historically central to the people of Uzbekistan, such as inter-ethnic, interreligious and intercultural tolerance and harmony.</p> <p>However, in Uzbekistan, as in most countries, the principle of the supremacy of law is operative, and it applies to non-governmental organizations as well, if they commit egregious or deliberate violations of the objectives laid out in their constituent instruments or of the regulations governing their activity in Uzbekistan.</p>

		<p>In cases where the constituent instruments and other documents of an NGO run counter to legal requirements, in particular the Acts, “On non-governmental not-for-profit organizations”, “On civic associations”, “On political parties” and “On foundations”, as well as the Regulations “On consideration of applications to register the charters of civic associations operating in the territory of the Republic of Uzbekistan”, organizations may be refused the opportunity to register. Such a decision may be appealed in court at various levels of the judiciary.</p>
	<p>d) Grants immediate access to UN special procedures who have requested to visit the country, including the Special Representative of the Secretary-General on Human Rights Defenders and the Independent Expert of the 1503 Procedure on Uzbekistan.</p>	<p>Uzbekistan fully cooperates with the UN special procedures according to their constituent documents that «call governments of the UN member countries to cooperate with special procedures and to promote them in performance of their duties and to present the required information».</p> <p>Uzbekistan became the first country among CIS states that invited Special Reporter on tortures to visit republic in 2002.</p> <p>Expressing good will to interaction with special procedures according to their constituent documents, Uzbek side gives the exhaustive information on a situation in the field of human rights in Uzbekistan and answers all references from special procedures on a regular basis.</p>
5.	<p>Actively implement the EU Guidelines on Human Rights Defenders in relation to Uzbekistan, and increase political, moral, financial and other forms of support to human rights defenders in the country. They should, inter alia, maintain close contacts with human rights groups, provide visible recognition to human rights activists and raise individual cases of persecution of human rights defenders and file relevant demarches with the Uzbek government on this issue.</p>	<p>The Republic of Uzbekistan strictly adheres to obligations reflected in the basic international documents on human rights. The parliament of the republic has passed more than 300 laws on civil, political, economic, social and cultural rights, which completely implement the conventional principles and norms of the international law in the field of human rights.</p> <p>Even in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms it is precisely determined, that the state bears the basic responsibility and a duty to protect and encourage and carry out all human rights and basic freedom.</p> <p>Besides according to the mentioned Declaration, the internal legislation forms legal frameworks in which human rights and basic freedom should be carried out and provided and in which all activity mentioned in the Declaration on encouragement and protection and effective realization of rights and freedom of the person should be carried out.</p>

6.	<p>Work closely together with international and local NGOs to elaborate and implement strategies for responding to the situation of human rights defenders in the country and to provide concrete assistance to defenders at risk, such as legal assistance, medical assistance and evacuation, safe relocation and temporary residence in emergency cases.</p>	<p>Uzbekistan is pursuing a policy of social partnership to promote the gradual development of civic institutions. As a result, NGOs are rapidly developing, participating in the decision-making process and playing an increasing role in the democratization of society.</p> <p>In Uzbekista functioning human rights organizations such as the Committee for the Protection of Individual Rights of Uzbekistan, the Uzbek branch of the international organization Human Rights Watch, the Center for Human Rights and Humanitarian Law, the Independent Organization for Human Rights of Uzbekistan, the Human rights Society of Uzbekistan Ezgulik and the Democracy and Human Rights Institute and others.</p>
7.	<p>Continue to insist that an independent international investigation be undertaken into the Andijan events, and support the use of the Moscow mechanism of the Organization for Security and Cooperation in Europe (OSCE) as a complementary tool to bring clarity into these events as well as subsequent developments in Uzbekistan.</p>	<p>Reccomendation of the IHF is illegitimate.</p> <p>According to the international rule of law, international inquiry could be conducted only if the state itself requests such investigation in view of inability of local authorities or collapse of the state or in case if emerged situation directly relates to the issue of maintaining international peace and security.</p> <p>It is necessary to mention that appropriate agencies of Uzbekistan prepared a report about the results of investigations of terrorist acts in Andijan that was forwarded in the middle of August 2006 to European side, particularly to the Ministries of Foreign Affairs of Finland (former Chairman of EU), Germany (current Chairman of EU) and Belgium (former Chairman of OSCE).</p> <p>11-15 December 2006 a visit to Uzbekistan of delegation of EU experts took place. The main purpose of the visit was a discussion of the report of the investigations of terrorist acts in Andijan in May 2005. It was arranged meetings in the Office of Prosecutor General of the Republic of Uzbekistan, where European experts were provided entire evidence base of the terrorist acts. Besides, it was conducted their meetings with convicted and lawyers protected their rights during trials, and a visit to venues in Andijan was organized.</p> <p>On the results of the visit the head of EU delegation made a monosemantic conclusion that there was a serious terrorist action against Uzbekistan took place in Andijan, and it was thoroughly prepared in advance. In the same time he admitted that human rights organizations focused on the results of terrorist act in their reports, and paid less attention to terrorist attacks.</p>

8.	<p>Use their leverage in the UN Human Rights Council to press for public scrutiny by the Council of the human rights situation in Uzbekistan instead of as currently under the confidential 1503 procedure.</p>	<p>The government of the Republic of Uzbekistan proceeds from the principle of individuals' interests being superior value and does everything possible to provide its citizens with universally accepted rights and freedoms.</p> <p>The Republic of Uzbekistan has a dynamic and constructive dialogue on human rights protection issues with the UN institutions, and other international, intergovernmental and non-governmental organizations.</p> <p>The Republic of Uzbekistan gives great importance to intergovernmental cooperation in the sphere of human rights protection and promotion. At the same time, Uzbekistan considers the attempts of human rights issue politisation and double standards policy in respect of the UN state-members to be absolutely intolerable.</p> <p>Use of problem areas with human rights protection as a pretext for interference with internal affairs of states is aimed at undermining the existing system of international relations and in fact ignores fundamental norms of international law and principles of the UN Charter.</p> <p>The attempts of some states to use the UN mechanisms, including Human Rights Council can be considered in this context exploitation of human rights protection issues in order to put political pressure on sovereign states, that in its turn undermines the UN authority constituted to protect ideals of equality of rights, justice and peace.</p> <p>Uzbekistan is convinced, that discussions of human rights questions should be based on equality of rights and respect, serve rapprochement of countries and develop constructive cooperation in humanitarian sphere taking into consideration regional specificity, national, cultural, religious and historical traditions of states.</p> <p>Regarding all given above and at the background of undertaken by Uzbek government efforts in the sphere of human rights protection and promotion, along with development of international cooperation in this sphere, Uzbek side sees no reasons for consideration of human rights situation in Uzbekistan and stands for complete discontinuing this matter within the UN Human Rights Council.</p>
----	---	--