



O'ZBEKISTON RESPUBLIKASI
BIRLASHGAN MILLATLAR
TASHKILOTINING BO'LINMASI VA
BOSHQA XALQARO TASHKILOT'LARDAGI
DOIMY VAKOLATXONASI, JENEVA

UZBEKISTAN GENEVA

→ MEHIQUE

001/009



REPUBLIC OF UZBEKISTAN
PERMANENT MISSION TO THE
UNITED NATIONS OFFICE AND OTHER
INTERNATIONAL ORGANISATIONS
GENEVA

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Geneva, 2 April 2007

Excellency,

In the context of your statement made on 26 March 2007 during the Fourth session of the Human Rights Council (HRC) I have the honour to inform you on the following.

In your capacity as the President of the Council you made the public statement that at its 22nd meeting on 26 March 2007 the HRC had decided to discontinue the consideration of the human rights situations in the Islamic Republic of Iran and Uzbekistan.

Furthermore, on 26 March 2007 you reminded that, in conformity with paragraph 9 of Economic and Social Council resolution 2000/3, there should not be any reference in public debate to the confidential decisions taken under that resolution or to any confidential material relating thereto.

Unfortunately, the confidentiality of 1503 procedure was breached by the following three serious incidents.

1. On 27 March 2007 the nongovernmental organization *Human Rights Watch* distributed a press release entitled "UN: Rights Council Fails Victims in Iran, Uzbekistan" (a copy is attached).

In its press release this NGO, in particular, made the confidential material of 1503 procedure public. This press release flagrantly reveals the results of voting and positions of HRC Member States on Iran and Uzbekistan under 1503 confidential procedure.

2. Earlier in the beginning of March 2007 *Human Rights Watch* together with two other NGOs, i.e. *International Helsinki Federation for Human Rights* and *International Federation for Human Rights*, issued another press release entitled "Uzbekistan: Crackdown Demands Urgent Human Rights Council Action" (a copy is attached).

In this material the confidential nature of 1503 procedure was breached and abused by publicly revealing the information relating to the substance of a recommendation of the Working Group on Situations to the Human Rights Council.

3. On 19 March 2007 Swiss based "InfoSud" press agency posted at its website an article entitled "Révélations sur un rapport secret" (a copy is attached).

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H.E. Mr. Luis Alfonso DE ALBA
President of the UN Human Rights Council
GENEVA

In this article "InfoSud" press agency made a reference to unknown diplomats, who revealed the confidential information on Uzbekistan under 1503 procedure due to their alleged "opposition against political manipulation afflicting the Council".

Above-said press releases and article are still being posted on the websites of *Human Rights Watch* and "InfoSud" press agency.

Speaking on behalf of a concerned country in above-mentioned press releases and article the Permanent Mission of Uzbekistan expresses its serious concern over the violations and abuse of the 1503 confidential procedure and the Charter of the United Nations committed by *Human Rights Watch* and other aforesaid entities.

I am referring these issues to Your Excellency in your capacity as the President of the Human Rights Council in order to ensure the strict and faithful observation of confidentiality of 1503 procedure by all parties, including nongovernmental organizations.

In this connection resolution 1996/31 of ECOSOC entitled "Consultative relationship between the United Nations and non-governmental organizations" should be recalled, which governs the consultative status in the United Nations of non-governmental organizations in general consultative status and special consultative status and the listing of those on the Roster.

In particular, paragraph 57 (a) of Part VIII of resolution 1996/31 clearly stipulates certain measures of the ECOSOC Committee on Non-Governmental Organizations with regard to abuses by non-governmental organizations of their status who engage in a pattern of acts contrary to the purposes and principles of the Charter of the United Nations including unsubstantiated or politically motivated acts against Member States of the United Nations incompatible with those purposes and principles.

I would like to request you to address these serious matters in the Bureau of HRC in accordance with resolutions 2000/3 and 1996/31, including within the mandate of the ECOSOC Committee on Non-Governmental Organizations, in order to ensure the credibility and effectiveness of mechanisms and procedures of the Human Rights Council in implementing resolution 60/251 of the UN General Assembly throughout the institutional building process and beyond.

Please accept, Excellency, the assurances of my highest consideration.



Badriddin Obidov
Chargé d'Affaires, a.i.

Attachment.

H.E. Mr. Luis Alfonso DE ALBA
President of the UN Human Rights Council
GENEVA

For Immediate Release

UN: Rights Council Fails Victims in Iran, Uzbekistan *Rights Supporters Help End Scrutiny of Repressive Regimes*

(Geneva, March 27, 2006) – The UN Human Rights Council yesterday turned a blind eye to abuses in two among the world's most repressive countries when it decided to end its scrutiny of Iran and Uzbekistan, Human Rights Watch said today.

"The Human Rights Council decision sends exactly the wrong signals to abusive governments around the world," said Peggy Hicks, global advocacy director of Human Rights Watch. "The council's action amounts to an endorsement of crackdowns on human rights in Iran and Uzbekistan. It shows utter disregard for the human rights activists who are struggling in these countries."

Iran and Uzbekistan had both been subject to council monitoring under a confidential procedure known as 1503 (after the resolution that created it). Human Rights Watch and other groups had long argued that severe human rights abuses and government intransigence in both countries demanded an effective council response, including that it make public its scrutiny of both situations.

The human rights situations in Uzbekistan and Iran have significantly deteriorated in the past year. But instead of elevating its scrutiny of those two countries, the council decided to drop monitoring of both situations altogether. Twenty-five of the council's 47 members favored ending scrutiny of both Uzbekistan and Iran. Among the 25 states are many that have consistently aimed to shield abusive governments from criticism. But in this case they were joined by virtually the entire Africa group, including Gabon, Ghana, Mali, Mauritius, Nigeria, Senegal, South Africa and Zambia, which had previously supported human rights protections. Surprisingly, Brazil, Ecuador, Japan and South Korea abstained on both votes. Mexico and Switzerland abstained on the decision to discontinue consideration of Iran, while voting to maintain consideration of Uzbekistan. Ukraine abstained on Uzbekistan and voted to keep scrutiny of Iran.

The number of publicly known executions by Iran grew by more than 80 percent last year to 177, and Iran leads the world in the execution of juveniles. These executions often follow secret trials that fail to meet minimum international standards. For example, in July 2006, an Iranian court sentenced 10 men to death following a one-day trial, all of whom have since been executed. The authorities also intensified their harassment of human rights defenders and lawyers in 2006, including declaring illegal the Center for Defense of Human Rights, led by Shirin Ebadi, the 2003 Nobel Peace Prize winner. Iranians detained for peaceful expression of political views have been subjected to torture and ill-treatment, and two prisoners held for their political beliefs died in prison under suspicious circumstances in 2006.

In Uzbekistan, the government continues to deny accountability for the 2005 massacre in Andijan in which security forces killed hundreds of mostly unarmed protesters, and is

conducting in a fierce crackdown on civil society. Since the Andijan massacre, it has imprisoned at least 15 human rights defenders on politically motivated charges, with two new arrests just since January. Torture remains rampant, with the government having failed to take any meaningful steps to implement the 2003 recommendations of the UN special rapporteur on torture. Authorities steadfastly refuse to grant access to the country for any of the UN experts who have made long-standing requests for access, including the independent expert appointed under the 1503 procedure. The government has rejected any concerns expressed about its human rights record as unfounded, and has gone to great lengths to mislead the international community about its human rights record.

"States that voted yes or abstained on the council's decisions to drop scrutiny of Uzbekistan and Iran have a lot of explaining to do," said Hicks. "They must speak out now about abuses in Iran and Uzbekistan, and endorse further action by the council to address the worsening situation in both countries."

For broadcast-quality audio commentaries on the Human Rights Council by Human Rights Watch experts, please visit:

- **"Free expression, the treatment of juveniles, and the rights of human rights defenders in Iran"**

Before traveling to Geneva for the fourth session of the UN Human Rights Council, Human Rights Watch's Iran researcher Hadi Ghaemi expressed hopes that the council's agenda would prominently feature Iran. The council met in confidential proceedings last week to discuss the Iranian government's human rights abuses, but decided against considering them any further. Emma Daly, press director at Human Rights Watch, spoke with Ghaemi on this and other concerns.

http://hrw.org/audio/2007/english/hrc/hrc_2.mp3

- **"Uzbekistan: a country where abuses have reached crisis levels"**
The Human Rights Council has decided to end scrutiny of Uzbekistan's human rights record. Prior to a trip to Geneva last week to advocate that the council elevate consideration of Uzbekistan by making its deliberations public, Europe and Central Asia Advocacy Director Veronika Szenté Goldston described to Emma Daly how a continued crackdown in the country has actively targeted human rights defenders and politically active citizens.

http://www.hrw.org/audio/2007/english/hrc/hrc_3.mp3

For additional background on the Human Rights Council, please visit:

http://www.hrw.org/doc/?t=united_nations_hrc

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www.hrw.org

Uzbekistan: Crackdown Demands Urgent Human Rights Council Action

March 2007

Summary

Uzbekistan is a country situation that urgently demands the attention of the Human Rights Council. It presents a textbook example of a country where cooperative dialogue has been met with denial and obfuscation. Since the appointment of the Independent Expert under the 1503 procedure two years ago, the Uzbek government has perpetrated a massacre for which no one has been held to account, engaged in a crackdown of proportions unprecedented in the country's history of independence, and shown nothing but contempt for the principles its international partners stand for.

The Council's approach to Uzbekistan is a test of its credibility, and it is currently failing that test by a big margin. The 5-state Working Group in charge of reviewing country situations and cases brought before the Council under the 1503 procedure has recommended discontinuing consideration of Uzbekistan altogether. Should this recommendation—put forward by governments such as Zimbabwe and Azerbaijan—come to pass, it would amount to the world's highest human rights body rewarding the Uzbek government for its repressive policies and refusal to cooperate with the Council.

If the Council is to have any credibility, it must reject the Working Group's recommendation. It must not only retain scrutiny of Uzbekistan, but make that scrutiny public.

Background

The Uzbek government's longstanding record of repression reached crisis levels following a government massacre of hundreds of mostly unarmed protesters as they fled a demonstration in the city of Andijan in May 2005.

Nearly two years later, no one has been held accountable for the killings. Instead of fostering a genuine accountability process, the Uzbek government has steadfastly rejected calls by the international community for an independent, international inquiry into the Andijan events. It has gone to great lengths to cover up the truth behind the massacre and has tried to substitute an international inquiry with various experts meetings that to date have examined the armed uprising that preceded the massacre, but not the killings themselves.

In the aftermath of the massacre, Uzbek authorities unleashed a fierce crackdown on civil society unprecedented in its proportions since the country's independence from the Soviet Union. Those who seek to speak out about the Andijan events and highlight the lack of accountability for the crimes committed are the targets of particularly harsh harassment and other forms of retaliation, with many having had to stop their work, or flee the country altogether. Numerous human rights defenders have been detained and had criminal charges brought against them. At least fifteen human rights defenders

are currently in prison, with two new politically motivated arrests just since January. Jamshid Karimov, an independent journalist from Jizzakh, has been held in a closed psychiatric ward since September 2006, while political opposition leader Sanjar Umarov and other dissidents have been sentenced to lengthy terms in prison.

The Uzbek government's failure to cooperate with the international community, and the UN in particular, is not limited to efforts to promote accountability for the Andijan massacre. The limited steps it took in response to the recommendations of the Special Rapporteur on torture, issued in 2003, have been ineffective. As made clear by the Special Rapporteur in his report to the Council last September, his "mandate continues to receive serious allegations of torture by Uzbek law enforcement officials, which are regularly transmitted to the Government for clarifications and urgent action." As he further noted, "the very fact that torture is still practiced systematically is the best proof that recommendations have not been implemented." Our organizations continue to document credible allegations of torture during investigations and pre-trial custody, as well as in prisons.

Uzbek authorities have also refused to allow visits to the country by any of the special procedures who have longstanding requests for invitation, including the Special Rapporteurs on torture, on extrajudicial, summary or arbitrary executions, and on the independence of judges and lawyers, as well as the Special Representative of the Secretary-General on human rights defenders. Michele Picard, Independent Expert on Uzbekistan under the confidential 1503 procedure, has not been able to carry out a single visit to Uzbekistan due to the government's refusal to grant her access to the country.

Recommendations

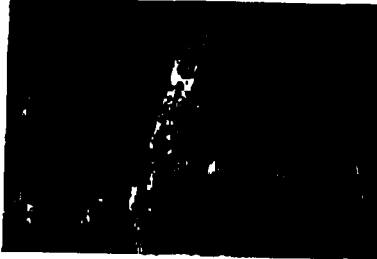
It is obvious that consideration of Uzbekistan's human rights record behind closed doors has failed to bring an end to the cycle of abuse there. The Human Rights Council must mount an effective response to the deteriorating human rights situation in Uzbekistan and the government's failure to cooperate. We urge the Human Rights Council to:

- Elevate scrutiny of Uzbekistan by moving it out of the confidential 1503 procedure and considering it in the Council's public sessions;
- Call for an end to the crackdown on human rights defenders, independent journalists and members of the political opposition, and urge the release of all imprisoned civil society activists detained on politically motivated charges;
- Call on the Uzbek government to fully implement the recommendations of the Special Rapporteur on torture; and
- Call on the Uzbek government to allow urgent access for all special procedures who have requested access, including the Independent Expert on Uzbekistan, the Special Rapporteurs on torture, on extrajudicial, summary or arbitrary executions, and on the independence of judges and lawyers, as well as the Special Representative of the Secretary-General on human rights defenders.

The Human Rights Council has before it a rare opportunity to address abuses whose victims have no hope but for principled international action to protect them. Member governments must not walk away from their responsibility as elected representatives of this new institution. The Council's credibility stands on the line.

Révélation sur un rapport secret

InfoSud



19 mars 07 - Un rapport vient d'épingler l'Ouzbékistan dans le cadre d'une procédure totalement confidentielle. Ce document dont la Tribune des droits humains a obtenu copie demande la levée du secret.

Photo istockphoto.com

Juan Gasparini, Carole Vann - Certaines procédures du Conseil des droits de l'homme sont confidentielles. Tellement confidentielles qu'elles risquent de disparaître dans les oubliettes des Nations Unies. C'est le cas de l'enquête sur l'Ouzbékistan, suite aux innombrables plaintes individuelles adressées à l'ONU de la part de ses citoyens, comme le permet la procédure dite 1503.

Lundi, l'experte chargée du dossier, l'ancienne juge française Michèle Piccard, a présenté son rapport à huis-clos, toujours dans le cadre de la procédure 1503. Normalement son travail, et même son nom, devaient rester secrets. Mais des diplomates, écoeurés par les manœuvres politiques qui gangrènent le Conseil, en ont dévoilé la teneur.

"Il existe toujours des pratiques de tortures et de traitements inhumains et dégradants, affirme la Française dans son rapport. Selon plusieurs allégations dans la prison de Jasyk, la méthode utilisée ne serait plus d'ébouillanter les prisonniers mais de les exposer sous une douche froide la fenêtre ouverte. Le CICR n'est toujours pas autorisé à visiter les lieux de détention..."

"Les tribunaux continuent à condamner des accusés qui portent des traces de mauvais traitements... Les partis politiques d'opposition ne peuvent s'enregistrer. Leurs membres et leurs familles font l'objet de toutes sortes de harcèlements : ils sont arrêtés, assignés à résidence, battus, interrogés, internés dans des hôpitaux psychiatriques..."

Et Michèle Piccard de poursuivre sa liste d'accusations : liberté d'expression bafouée, journalistes empêchés de faire leur travail, sites internet bloqués, internautes arrêtés. L'Ouzbékistan, selon Reporters sans frontières, fait partie des dix pays du monde qui emprisonne le plus de journalistes. Un pays qui ne connaît pas de procès équitable, pas de liberté de religion...

Une ouverture remise en cause

La juge française note que l'Ouzbékistan avait fait "de réels efforts d'ouverture il y a quelques années", en accueillant les missions du rapporteur spécial sur la torture et de l'expert indépendant qui l'a précédée. Elle rappelle aussi la décision du gouvernement ouzbek d'abolir la peine de mort en 2005, une mesure qui n'a pas encore pris effet. Mais elle ajoute que le pays "semble depuis se refermer et avoir arrêté toute évolution dans le domaine des droits de l'homme... Aucun expert, rapporteur ou autre des Nations Unies... n'a pu se rendre dans le pays malgré les demandes réitérées."

Michèle Piccard elle-même n'a jamais foulé le sol ouzbek alors qu'elle en est à son troisième rapport sur le pays. Comme pour l'Américaine Jody Williams au Darfour, le visa ne lui a jamais été accordé. Elle avait été nommée pour enquêter sur le terrain en 2005, suite au nombre considérable de plaintes qui arrivaient à Genève.

L'examen des dossiers avait conclu à des "violations massives et systématiques des droits de l'homme". Les conditions étaient alors réunies pour entamer une procédure confidentielle 1503.

Son dernier rapport a été présenté en novembre dernier, juste avant la troisième session du Conseil. Comme cette fois-ci, Michèle Piccard avait constaté la non-coopération de l'Ouzbékistan et avait demandé que soient révélées au grand jour les exactions commises dans le pays. Autrement dit, que soit levée la clause de confidentialité. Mais les groupes des pays d'Europe de l'Est, d'Afrique et d'Asie s'étaient alors imposés face aux pays occidentaux et latino-américains pour classer le dossier. Traduit du jargon onusien, cela signifie que les plaintes passent à la trappe et que l'Ouzbékistan sort blanchi de toute cette affaire.

Lundi, la juge française a demandé à nouveau aux 47 Etats membres du Conseil de rendre publiques les accusations contre l'Ouzbékistan. Mais pour cela se réalise, il faudrait qu'un "petit miracle à la Darfour" survienne : que des délégations se désolidarisent de leur bloc - comme cela a été le cas pour sept pays africains par rapport au Soudan - et appuient la proposition de la rapporteuse française. Cela modifierait alors le jeu des alliances et permettrait de casser par un vote la proposition dominante qui voulait classer l'affaire en novembre. Un sursaut qui doit prendre la forme d'un amendement soumis au vote du Conseil d'ici mercredi, sinon le rapport sera enterré pour toujours.