



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE

**Comments by the Government of Uzbekistan on the concluding observations
of the Human Rights Committee (CCPR/CO/71/UZB)**

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[30 September 2002]

**REPLIES TO ADDITIONAL QUESTIONS CONCERNING THE REPORT ON
THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
CIVIL AND POLITICAL RIGHTS**

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

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

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

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

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

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

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

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

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

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

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

Source of income - declaration - certificate;

A bank receipt proving payment of registration tax;

Information about the founders of the religious organization;

Information about the leadership of the religious organization;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Uzbek Parliament adopted a new version of the Courts Act on 14 December 2001. This regulates the status of judicial officers in full accordance with international standards such as the Basic Principles on the Independence of the Judiciary (1985) and the Guidelines on the Role of Prosecutors (1990).

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

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

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

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

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

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

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

A considerable amount of work is being done to cooperate with national non-commercial NGOs. This is evidenced by the fact that, when bills are being drafted and new laws passed, such organizations concerned with a specific issue covered by the proposed legislation are invited to participate in the necessary round-table discussions, and their opinions and critiques

must be taken into account. They have the right to state their views, whether favourable or otherwise. Their comments are then incorporated into the bill. The State thus has an ongoing dialogue with non-commercial NGOs.

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

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

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

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