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COMISIÓN DE DERECHOS HUMANOS
62º período de sesiones
Tema 4 del programa provisional

**INFORME DEL ALTO COMISIONADO PARA LOS DERECHOS HUMANOS
Y SEGUIMIENTO DE LA CONFERENCIA MUNDIAL
DE DERECHOS HUMANOS**

**Carta de fecha 24 de marzo de 2006 dirigida a la Secretaría de la Comisión
de Derechos Humanos por la Misión Permanente de Uzbekistán
ante la Oficina de las Naciones Unidas en Ginebra**

Tengo el honor de señalar a su atención los adjuntos comentarios de Uzbekistán acerca del informe del Alto Comisionado para los Derechos Humanos sobre la misión efectuada a Kirguistán por la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos en relación con los sucesos de Andijan, Uzbekistán, los días 13 y 14 de mayo de 2005 (E/CN.4/2006/119), junto con otra información sobre los mencionados sucesos.

La Misión Permanente de Uzbekistán agradecería a la Secretaría de la Comisión de Derechos Humanos que facilitase la distribución de la información citada* como documento en relación con el tema 4 del programa provisional del 62º período de sesiones de la Comisión de Derechos Humanos.

(Firmado): Badriddin OBIDOV
Encargado de negocios a.i.

* Se reproduce en el anexo como se presentó, en el idioma original y en inglés únicamente.

Annex I

Observations received from the Government of Uzbekistan in response to the report, published on 12 July 2005, of the mission to Kyrgyzstan by the Office of the United Nations High Commissioner for Human Rights (OHCHR), which took place from 13 to 21 June 2005

First, the mission report, which was hastily compiled and distributed, distorts the true situation, since it was drafted on the basis of statements by individuals who had participated in terrorist activities and escaped from detention. It is surprising that, while the report speaks of insufficient information about the criminal and terrorist acts that took place on 13 May 2005 in Andijan, the Office of the United Nations High Commissioner for Human Rights (OHCHR) feels it can claim its conclusions and recommendations are objective.

Second, the findings of the mission, whose activities were of questionable authority, seriously violate Uzbekistan's sovereignty.

The use in the mission report of irresponsible wording, such as "mass killing" and "gross and systematic violations of human rights and fundamental freedoms" in reference to Uzbekistan is particularly troubling.

Third, the statement made by OHCHR on behalf of the treaty bodies and the special procedures of the Commission on Human Rights is an inadmissible violation of the fundamental principles of the High Commissioner's mandate, as laid down in United Nations General Assembly resolution 48/141, the Office's interpretation of the norms and mechanisms of international law are in this case arbitrary, and the call to use the "public mechanism of the United Nations" on Uzbekistan appears provocative.

Fourth, in raising the issue of Uzbek citizens being returned from Kyrgyzstan, the Uzbek Government is referring solely to individuals who have escaped from detention or perpetrated offences punishable by criminal law. Such appeals to the Kyrgyz authorities are based on the Charter of the United Nations, other norms of international law and bilateral Uzbek-Kyrgyz agreements, and are consistent with the 1951 Convention relating to the Status of Refugees.

The OHCHR mission report deliberately fails to mention United Nations Security Council resolutions No. 1269 (1999) of 19 October 1999 and No. 1373 (2001) of 28 September 2001, on preventing the abuse of refugee status by terrorists.

The report makes us wonder who it is that OHCHR actually protects. Preliminary investigation findings supplied to the international community by Uzbekistan's law-enforcement bodies, and eyewitness reports, leave no doubt whatsoever that events in Andijan were not the outcome of a protest by peaceful demonstrators but a carefully planned terrorist act.

This was recently convincingly demonstrated to the international working group of representatives of the diplomatic corps in Tashkent which has been established to monitor the

investigation and measures used by the Uzbek Government to stabilize the situation in Andijan, and to leading foreign media corporations. During a visit to Andijan on 11 July 2005, besides visiting the scene of the events and talking to witnesses, the working group was shown video material filmed by the terrorists themselves. The violent scenes in the film clearly revealed the true nature of the “peaceful demonstrators”.

Uzbekistan once again wishes to draw attention to the fact that the High Commissioner’s appeal to establish an international commission to investigate the tragic events in Andijan is both groundless and unjustified.

19 July 2005

Annex II

UZ/UN/05-277

26 December 2005

PRESS RELEASE

of the Prosecutor-General's Office of the Republic of Uzbekistan in response to statement of Ms. Louise Arbour, UN High Commissioner for Human Rights

In response to the concerns of the UN High Commissioner for Human Rights Louise Arbour for the court examinations that as though it delivered unfair and unfounded verdicts against those who took part in mass disorders in Andijan, the Prosecutor-General's Office makes the following statement:

The preliminary investigation and court examinations of the criminal acts and other serious crimes, which caused the loss of life of civilians, have proved that the terrorist acts were committed in the city of Andijan.

The Prosecutor-General's Office brings it to the attention of the international community that the entire course of the preliminary court examinations and the followed court hearings were carried out on the basis of the collected evidence and in strict compliance with the requirements of the Criminal Procedural Code.

Conclusions of the preliminary investigations were again confirmed on the court hearings.

In the course of questioning before the Court, defendants regretted their actions and gave confessing statements describing all stages of committed terrorist acts in details.

The members of the religious extremist group "Akromiyilar", participants of terrorist acts, who were questioned as the witnesses, made confessing statements. Besides, the testimony of victims, their representatives, the civil plaintiffs and witnesses, as well as the reports on site examination, verification of testimony of convicts and witnesses, seized writings, photo, video and other material evidence - all were corresponding to prove them guilty.

Moreover, the Court was shown video footage of pickets in front of the Municipal Court of Andijan and the events of 13th May. The video, which had been taken by the terrorists, was followed by comments of an expert and subtitles of conversation amongst terrorists in three languages. Besides, the Court was demonstrated the dozens of photographs of weapons, ammunition, religious extremist literature and other evidence which were seized from the terrorists and served as a proof in finding the defendants guilty.

In the course of court hearings there were demonstrated the slides of material evidence documented in Protocols of seizure, which indicated that terrorist acts had been financed by external forces and that weapons and ammunition had been purchased and delivered from abroad. Participants at court hearings witnessed and saw the specially made clothing, which was seized from I. Khodjiev at the time of interrogation. He used the clothing to sneak

in 200 thousand USD. The money was given by international terrorist organization “Islamic Movement of Uzbekistan” in order to finance the attacks in Andijan.

Therefore the open court hearings found the evidences presented by the interrogation to be fully grounded.

All the measures which were undertaken by law enforcement bodies to prevent the terrorist actions were adequately justified and applied within the generally accepted norms of criminal law as “absolute necessity” and “absolute defence”.

Crimes of 12-13 May 2005 were committed on the territory of Uzbekistan and it is the jurisdiction of the Republic of Uzbekistan to investigate such crimes.

In accordance with the principles of international law and the Constitution of Uzbekistan, any interference into domestic affairs of a particular country, including the Republic of Uzbekistan, is considered as infringement on inviolability and territorial integrity of Uzbekistan and violation of its sovereign rights.

It should be noted that along with the Parliamentarian Commission of the Republic of Uzbekistan, working group of diplomats, accredited in Uzbekistan, monitored the course of preliminary investigation. In fact, the group performed the role of international observers.

Currently, the representatives of national and international media, members of international human rights organizations and others, foreign embassies and diplomatic missions are observing upon the court hearings.

Press-service of the Prosecutor-General of Uzbekistan notes that in all cases of hearings the courts adhere to upholding international principles of justice.

Expression of concern by Louise Arbour, the UN High Commissioner for Human Rights, shall cast a shadow on law-protection system of Uzbekistan without any related and sufficient groundings thereby.
