



International Covenant on Civil and Political Rights

Distr.: General
4 May 2001

Original: English

Human Rights Committee

Seventy-first session

Summary record of the 1910th meeting

Held at Headquarters, New York, on Tuesday, 27 March 2001, at 10 a.m.

Chairperson: Mr. Bhagwati

Contents

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

Initial report of Uzbekistan (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.



The meeting was called to order at 10.10 a.m.

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

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

List of issues (continued)

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

2. **The Chairperson** invited Committee members to resume posing additional questions under the issues relating to the constitutional and legal framework within which the Covenant and Optional Protocol were implemented, state of emergency; the right to life, disappearances, treatment of prisoners, right to liberty and security of person; and freedom of expression and religion.

3. **Mr. Lallah** said that the State party's initial report did not provide sufficient information on the situation on the ground, which the Committee had had to obtain from reports from non-governmental organizations and other sources. It was not clear from the initial report whether the administration of justice in Uzbekistan was truly independent and impartial. For example, he wondered whether attorneys and/or persons serving on the *khokim* and *makhalla* committees designed to help citizens seek legal remedies (paras. 37 and 39 of the report, respectively) were authorized to appear on behalf of their clients without Government clearance. It would be interesting to know something about the legal profession in the country, including attorney fees.

4. The implementation of article 9 was marred by deferring legal representation until the time that charges were brought. Early legal representation — from the time of arrest — was crucial to guaranteeing a fair investigation. It seemed that mentalities in Uzbekistan in that regard had not sufficiently evolved. Moreover, the Procurator had such broad powers to decide on prosecution, the nature and extent of detention, and other aspects of the investigation that he was truly part and parcel of the whole accusatory process. He enquired whether, after 48 hours, an accused person was brought under judicial control independent of that investigatory process. In

conclusion, he strongly supported the very pertinent questions posed by Mr. Klein, Mr. Amor and Mr. Ando.

5. **Mr. Tawfik Khalil** said that he was deeply sympathetic to the challenges, obstacles and dilemmas that accompanied a transition to democracy and keenly aware as well that religion could be exploited for political ends through subversive activities. Referring to violations of the provisions of article 7 of the Covenant, including reports of laxity in conducting full, independent investigations and serious allegations of torture and ill-treatment of detainees, he noted that the small number of investigations actually carried out by the parliamentary Ombudsman (who, he was pleased to note, was a woman) appeared to be limited to restating articles of the Penal Code in order to dismiss allegations of serious human rights violations by State authorities.

6. Human rights violations, including torture, seemed to be tolerated at the highest levels of government, and intimidation and threats or worse were allegedly used to force the withdrawal of complaints. Although the Code of Penal Procedure expressly prohibited torture, the Committee had reliable reports that it was disregarded by law enforcement officials with impunity, and that courts admitted as evidence confessions exacted by physical or psychological torture and pronounced judgement on that basis. He wondered whether there was any judicial review of such irregularities. Conditions under which detainees were held were reportedly deplorable — even Uzbek authorities had admitted that. The reporting State should indicate what steps were being taken to bring the situation more in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners.

7. He asked whether article 61 of the Constitution on the separation between religious organizations and the State (para. 246 of the report) was fully observed and applied equally to all religions. The fourth subparagraph of paragraph 249 on the need to seek a dialogue with religious associations seemed to contradict the second subparagraph on recognizing that religious beliefs were a private matter. Lastly, he would appreciate clarification as to whether the four religious centres mentioned in paragraph 250 — the Maverannakhra Spiritual Administration for Muslims, the Central Asian Administration of the Russian Orthodox Church, the Central Asian Church of Seventh-Day Adventists and the Central Asian Church

of Biblical Baptist Christians — were civil or State entities.

8. **Sir Nigel Rodley** echoed the concerns expressed by other Committee members with regard to compliance with various aspects of the Covenant. Recognizing that transitions were fraught with difficulties, he wondered whether the lack of statistics on the death penalty was a throwback to the Soviet regime, when such information would have been considered a State secret. If that was the case, he would appreciate hearing the policy reasons and legal basis for such secrecy.

9. While welcoming the prohibition against the execution of women and children, he wondered whether it nonetheless constituted a form of discrimination against men under articles 2, 3, and 26 of the Covenant. It was particularly distressing that accusations leading to capital punishment were often based heavily on confessions obtained by torture. In that connection, he referred to the case of Dimitri Chikunov, who had been executed in July 2000, and a heart-rending letter that he had written to his mother just before his death. He hoped the delegation would comment on that and similar cases.

10. He would appreciate clarification of procedures concerning detention, including duration, who was authorized to order it, where it was served and under whose authority. He sought confirmation of his understanding of the three stages of detention in Uzbekistan — detention on arrest, remand and post-conviction, and, in that connection, enquired exactly who was authorized to order remand to solitary confinement — (the Procurator, the judge or both) and whether the accused, from the time of pre-trial detention to eventual release, remained under the authority of the Ministry of Internal Affairs.

11. **Mr. Scheinin**, referring to paragraph 3 of the list of issues, enquired how a state of emergency was defined in domestic law and how the principle of proportionality was applied to ensure that restrictions on derogable rights were strictly commensurate with the exigencies of the situation. As for the question of torture, he would appreciate more recent statistics than those provided in 1995 and 1996 on incidents of police brutality and the use of force, which had been alarmingly high. According to reports by non-governmental organizations and observers, torture methods in Uzbekistan included beating, rape, burning

with cigarettes and cigarette lighters, pulling off fingernails and forced abortions. He wondered whether the authorities made an effort to ensure that police officers did not have specific equipment used in certain forms of torture, such as gas masks or electric batons, on their person, and to confiscate such equipment and launch the proper investigations.

12. The reporting State should provide additional information in response to paragraph 10 (c) of the list of issues. Subparagraph (15) of paragraph 175 of the report was not in compliance with article 9 (2) and (3) of the Covenant, and subparagraph (16) was not in compliance with article 9 (3). Pre-trial detention periods beyond 72 hours and excessive delays in the judicial determination of the charges — at least 13 days — greatly aggravated the risk of torture, which generally occurred in the early stages of arrest. He also questioned the delegation about reports that judges refused to look for torture marks on defendants who had either been in lengthy pre-trial detention or had lodged outright complaints of torture. According to paragraph 166 of the report, the Supreme Court had decided, in 1997, that confessions obtained by torture were inadmissible; however, the Committee had received independent reports of non-compliance with that provision. The State party should clarify what action was taken by Uzbek courts to address allegations of torture by defendants in criminal trials.

13. Lastly, he expressed concern about the State's overreaction to the perceived threat of religious extremism, which it appeared to use as a shield to justify totalitarian rule and even human rights violations, including torture. Moreover, charges of religious extremism were often combined with other criminal charges subject to severe penalties. He wondered whether the State party saw the need to amend its extremely difficult procedures for the registration and licensing of religious organizations and its laws criminalizing religious extremism.

14. **Mr. Kretzmer** said that he agreed with Mr. Klein that there was a major discrepancy between the initial report of Uzbekistan (CCPR/C/UZB/99/1), followed by the introductory statement by the delegation, and the detailed information about the human rights situation in Uzbekistan which had been received from non-governmental organizations. He was especially concerned with the issues of pre-trial detention and torture, already raised by Sir Nigel Rodley. Article 9 (3) of the Covenant stated: "It shall not be the general

rule that persons awaiting trial shall be detained in custody". Apparently, release on bail pending trial was a rarity in Uzbekistan, although provision was nominally made for it.

15. As for conditions in places of detention, again, there was a significant discrepancy between the information supplied by Uzbekistan and that coming from other sources. He wondered to what extent prison conditions were monitored. The delegation had referred to a visit by the International Committee of the Red Cross to one of the prisons, but that visit had been planned well in advance, giving the authorities plenty of time to ensure that the conditions there were up to standard. To be credible, monitoring must include on-the-spot inspections. Would the Uzbekistan authorities allow outside observers and national or foreign non-governmental organizations to visit places of detention in order to ascertain whether conditions there met the standards of domestic law and of the Covenant?

16. On the question of torture, the delegation had stated that no complaints of torture had been received in the year 2000. However, the Committee had information that torture was systematically practised in Uzbekistan. That information consisted, naturally, of allegations, because it had not been possible to investigate the reports. However, for the Committee to be satisfied that the allegations were baseless, there must be a proper system of investigation by the State authorities themselves. The Committee had not yet been given an adequate description of how complaints were investigated. The absence of complaints about torture could simply mean that there was no system of investigation. The Committee had also received allegations that not only suspects, but also members of their families, were often put under pressure in order to secure evidence for a criminal conviction. Was that information correct, and what steps were taken to ensure that such practices did not occur?

17. The Committee had been informed that there were cases of unregistered detention in Uzbekistan, cases which would escape the internal procedures described in the initial report of Uzbekistan in connection with article 9 of the Covenant. The reporting State should indicate what steps were being taken to prevent unregistered detention by the police or the Ministry of Internal Affairs. Finally, the report mentioned military courts. He would like to know what jurisdiction such courts possessed: did they exist to try only members of the military for disciplinary offences,

or was their jurisdiction wider than that, and if so, what was the composition of those courts and how was their independence guaranteed?

18. **Mr. Henkin** queried whether the absence of a right of asylum in Uzbekistan meant that asylum-seekers were sent back. If so, how did the Uzbek authorities satisfy themselves that they would not be ill-treated, and how did such a practice square with the principle of non-refoulement in the Convention against Torture and the Convention on the Status of Refugees? That was a rule of customary law which, to his knowledge, was binding on all States.

19. The delegation had informed the Committee that Uzbekistan complied fully with the Covenant, and that no cases had yet been submitted under the Optional Protocol. However, violations could go unreported through ignorance. In that connection, he referred to the case of Kamoliddin Sattarov, who had been sentenced to nine years imprisonment in June 2000 after being found in possession of complaint forms for the Human Rights Committee, which had been confiscated. Were police and judicial officers in Uzbekistan instructed about the Covenant and its procedures, and was Mr. Sattarov still in detention? How did the Government of Uzbekistan respond to the allegation that the case of Mr. Sattarov was one of many where prosecutions and convictions had taken place on spurious grounds unsupported by evidence?

20. The delegation had mentioned a dialogue on human rights questions between the Government and non-governmental organizations. Dialogue between the authorities of Uzbekistan and the Committee was also extremely important, but it was only one kind of dialogue. Presumably, the information received by the Committee from non-governmental organizations about the human rights situation in Uzbekistan was also received by the Government. Had it considered inviting representatives of reputable non-governmental organizations, or members of the Committee, to Uzbekistan to see for themselves the conditions referred to in the list of issues?

21. **Mr. Saidov** (Uzbekistan) welcomed the Committee's questions, which would be referred to the appropriate government departments in Uzbekistan, and its obvious interest in his country's human rights record. He emphasized his delegation's willingness to engage in open and constructive dialogue. Uzbekistan had for some years maintained dialogue with

international non-governmental organizations such as the International Helsinki Federation for Human Rights and Amnesty International, as well as with foreign embassies of democratic countries, and representatives of international non-governmental organizations regularly visited Uzbekistan, where they were able to meet with senior government officials. As an example of such dialogue, he mentioned the preparation of Uzbekistan's initial report for the Committee on the Elimination of Discrimination against Women (CEDAW). The Government had invited two members of that Committee to Tashkent to discuss the report in draft form, together with a large group of representatives of State agencies and non-governmental organizations.

22. There was a certain delay in applying the law because Uzbekistan was still in the first stage of its democratic reforms, and had had to focus its attention on creating the legislative basis for protecting human rights, in order to replace laws inherited from the Soviet period which were not appropriate for building a democratic society. However, it had made great strides in legislating to protect civil and political rights, by enacting five codes of law and 17 statutes on civil rights, and 23 statutes on political rights. The main concern now was to establish effective mechanisms for applying the law and protecting human rights, especially through monitoring. The office of the Ombudsman, and the National Centre for Human Rights, were examples of the institutionalization of human rights protection.

23. There were however many problems in applying the law, not all of which had yet been solved. In its efforts to do so, in 2000 the Government of Uzbekistan had collaborated with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), in holding a three-stage seminar on the preparation of alternative human rights reports by representatives of State agencies and of non-governmental organizations. Monitoring had to take place both at the national level and within the country's administrative and territorial divisions, which was a task of some magnitude.

24. Concerning other sources of information, he understood that the Committee had the right to take up reports from unofficial as well as from official sources. However, the reliability of such information was not always assured. The Government received and studied, with due care, all information and reports received

from non-governmental organizations and other sources such as embassies. It worked closely with the State Department of the United States of America, which produced annual reports on the human rights situation in almost all countries in the world. Since 1992, those reports had included a chapter on Uzbekistan, and every report was discussed with the United States Ambassador in Tashkent and replies given to questions on specific cases and issues. The Government also maintained regular dialogue with Human Rights Watch, which had set up an office in Uzbekistan in 1996 and frequently sent representatives to the country. There were, however, instances in which its representatives declined to meet government officials, and the Minister of Justice had made several unsuccessful attempts to meet them. Dialogue was a two-way affair.

25. With regard to the question on national machinery for the implementation of article 5 of the Optional Protocol to the Covenant, Uzbekistan had striven to implement the recommendations of the 1993 Vienna Programme of Action by establishing the office of the Ombudsman, the parliamentary institution for monitoring legislation for its compliance with human rights standards, and the National Centre for Human Rights. None of those institutions duplicated the work of the others, as each had its own function to perform. The Ombudsman examined complaints from citizens of human rights violations, and the parliamentary body sought to ensure that domestic law was in accordance with international treaties, making recommendations to Parliament on which new human rights instruments the Government should consider ratifying. Both those institutions were part of the legislative branch.

26. The National Centre for Human Rights, on the other hand, belonged to the executive, and had the task of coordinating the work of government departments relating to human rights protection, drawing up national human rights reports, planning human rights education and compiling the national programme of action on human rights for the twenty-first century. The education of State officials in international human rights standards was admittedly a weak point, and many officials were ignorant of the standards which should apply. The President had established, by executive decree, an academy for State officials whose curriculum included human rights. The judiciary had a centre of their own for the same purpose.

27. His Government certainly wanted its laws to be put into practice. On the question of the interpretation of article 16 of the Constitution, and what was meant by the rights and interests of Uzbekistan, he said that the answer could be found in article 2 of the Constitution, which provided that the State expressed the will of the people and served their interests. All the Soviet Constitutions operating in the territory of Uzbekistan had referred only to the responsibility of citizens to the State, but the Constitution adopted after Uzbekistan had achieved independence established for the first time the responsibility of the State vis-à-vis its citizens.

28. No provision of the Constitution could be interpreted in a manner detrimental to human rights, since article 13 of the Constitution established that the human being, his life, freedom, honour, dignity and other inalienable rights were the highest values in Uzbekistan. The State, therefore, based its action on the principles of social justice and legality in the interests of the well-being of individuals and society. The provisions of the Constitution should be regarded as a whole. The first responsibility of the State was to ensure conditions for protecting the rights and freedoms of citizens. There had been no cases of violation of article 16 of the Constitution.

29. Citizens of Uzbekistan were of course free to criticize the Government, ministers, officials and even the President himself. That principle was established in article 35 of the Constitution. With regard to relations between Uzbekistan and Karakalpakstan, he said that Uzbekistan could not be considered as either a unitary State, since it included the sovereign republic of Karakalpakstan, or a federal State, in the classic sense. It could be said that Uzbekistan was a unitary State with federal elements. That situation was reflected in chapter 17 of the Constitution, entitled "Republic of Karakalpakstan".

30. The external aspects of sovereignty were regulated by the appropriate international agreements. As to the internal scope of sovereignty, the necessary legal foundations had been established. Any dispute between Uzbekistan and Karakalpakstan had to be settled on the basis of democratic procedures (reconciliation), as indicated in article 75 of the Constitution. In practice, no such disputes had arisen, and no specific procedures had been formulated. The right to secede was established in article 74 of the Constitution, whereby the Republic of Karakalpakstan

had the right to secede from the Republic of Uzbekistan on the basis of a universal referendum. To his knowledge, that right was not available in other federal States of the world.

31. The Republic of Karakalpakstan had its own constitution, laws, State bodies, judicial system, and administration and had the right to apply its own laws in such matters as the family, trade and residency. Some laws had been adopted in Karakalpakstan earlier than in Uzbekistan. The people of Karakalpakstan had the same electoral rights as the citizens of Uzbekistan, and the Republic of Karakalpakstan had the right to introduce legislative initiatives in the Parliament of Uzbekistan. Currently there were no treaties or agreements between Uzbekistan and Karakalpakstan.

32. On the question of the legal status of the higher economic court of Uzbekistan, he said that, since that court was the highest economic court, its decisions were final, and were not subject to appeal in the supreme court or the constitutional court. In developing its judicial system, Uzbekistan had followed the European model, establishing a constitutional court, a supreme court at the apex of the general courts, and a higher economic court.

33. The Aral Sea tragedy was a painful problem not only for Uzbekistan, but also for other countries in the region, and indeed for the entire world community. The President of Uzbekistan had raised the issue on three occasions in the United Nations General Assembly. As to the specific measures which had been taken, Uzbekistan had established a fund to save the Aral Sea and was also participating in international environmental efforts. His Government was providing medical assistance to the population in the area of the Aral Sea and also ensuring the provision of drinking water.

34. On the question of State secrets and other secrets (article 29 of the Constitution), he said that State secrets comprised State, military and official secrets and included classified military, political, economic, scientific and technical and other information which, if publicized, would have an adverse effect on the military, economic and political interests of the State; they were the property of the Republic of Uzbekistan. There were also other types of secrets such as bank and commercial secrets. With regard to freedom of opinion, he said that nearly three quarters of the publications in Uzbekistan were State publications. That situation was

a natural consequence of the Soviet period, during which there had been no non-State media. In recent years, as a result of the development of institutions of civil society such as political parties and non-governmental organizations, non-State media had begun to appear and were continuing to increase.

35. Foreign correspondents were allowed to stay in Uzbekistan on the basis of permanent or temporary accreditation with the Ministry of Foreign Affairs and had the right to travel freely in its territory. The Ministry of Foreign Affairs could deny or suspend accreditation on the grounds laid down in the relevant laws of Uzbekistan and in the Covenant. As of 2 February 2001, 61 journalists had been accredited by the Ministry of Foreign Affairs, representing all the leading information agencies. The activities of foreign non-governmental organizations were regulated on the basis of a new law which had been formulated with the broad participation of international experts.

36. There was a special law guaranteeing freedom of access to information, which provided for the right of citizens to seek, obtain, study, transmit and disseminate information. Information regarding the rights and legitimate interests of the applicant was provided free of charge; payment could be required for other types of information. State bodies and officials had to ensure that all citizens had access to documents, decisions and other materials relating to their rights and legitimate interests. Access to information was ensured through the publication and dissemination of the relevant materials. Uzbek law was based on the presumption of the accuracy of information. The mass media were required to check the accuracy of information that was published. If action or inaction by State bodies and officials infringed on the rights of citizens to receive information, they could complain to the courts.

37. The Citizenship Act of July 1992 set forth specific grounds for loss of citizenship. Citizenship was revoked if a person joined the armed forces, security services, police, judicial bodies or other State bodies of a foreign State; if a person living abroad had failed to apply for consular registration for five years; or if citizenship had been acquired through the deliberate submission of false information. In general, questions of citizenship fell within the competence of the President of the Republic. A special commission for citizenship matters consisting of members of the relevant State bodies, and also scholars and lawyers, advised the President on such questions. After

Uzbekistan had gained independence, a large number of applications for cancellation of citizenship had been considered, mainly from persons of German or Jewish origin who wished to go to Germany, Israel or the United States of America.

38. The committee on religious affairs engaged in activities to promote the constitutional separation of the State and religion. It did not take up questions of the registration of religious organizations, which fell within the competence of the Ministry of Justice. When that Ministry received applications for registration, it could consult other ministries, public organizations or non-governmental organizations, or the committee on religious affairs. The committee provided assistance to various religious faiths and was involved in the organization of the Hajj pilgrimage. In Soviet times, only about 10 people a year had performed the Hajj, but over each of the past five years, more than 4,000 Muslims from Uzbekistan had made the pilgrimage.

39. A judicial reform was currently under way in Uzbekistan. In December 2000, a new law on courts had been adopted, which included a number of specific measures to strengthen the independence of the courts. The judiciary was now one of the branches of government, in contrast to the Soviet era, when the courts had been part of the law enforcement system. Unfortunately, the public still tended to regard the courts as punitive bodies rather than independent bodies with the potential to promote human rights.

40. In order to be able to protect human rights, the courts had to be impartial and independent. There were now separate courts for civil and criminal cases. A special department had been set up in the Ministry of Justice to provide organizational, logistical and financial assistance to the courts. The director of the department was also the deputy chief justice of Uzbekistan. The basic tasks of the department were to formulate proposals on the organization of the courts and submit them to the President of the Republic, prepare recommendations on court appointments, ensure the execution of court decisions, and also compile information and statistics on jurisprudence.

41. The military courts in Uzbekistan included the military college of the Supreme Court, the State military court and military courts at the district level. Those courts were generally composed of a president, vice-president, judges and people's assessors. They heard cases involving crimes committed by military

personnel and by members of the national security service, border guards, the State emergency services and military trainees. They also heard civil cases involving suits by military personnel against their commanders and the State administration involving breaches of their individual rights, civil and criminal cases that could not be brought before general courts because of exceptional circumstances, and cases involving State secrets.

42. *Makhalla* committees were a very ancient institution in Uzbekistan and were playing a growing role in the building of civil society. Indeed, in the past year they had taken over some of the functions of State power. As to the functioning of the legal profession and access to legal assistance, the Constitution laid down the need to provide legal assistance. Over 20 schools of law existed in the country, and anyone had the right to enter the profession. The status of lawyers was regulated by two laws setting forth their obligations and duties, in addition to separate laws covering the duties of notaries and prosecutors. The legislation adopted over the past two years as part of the judicial reform process gave equal rights to defence attorneys and prosecutors, and a new law governing prosecutors was being developed that would ensure equality of representation. There was a legal basis for review of court decisions, and an appeals court was in the process of being established.

43. With regard to the training of government officials, he drew attention to the educational reform process, which included a training programme for the national civil service. Twelve years of general education was required, and all nationalities had full access to education, which was conducted in 10 different languages. Parliament was in the process of drafting a law concerning government officials, which would cover their training. He acknowledged the admiration that many members of the Committee had expressed for the rich heritage and history of Uzbekistan. The country was proud of its Muslim heritage and to be part of the greater Islamic culture. The Government was also aware of the need to continue moving towards a culture of democracy and human rights during the current transition period, and to that end, had worked with the United Nations Development Programme (UNDP) on a two-year governance project which had covered seven main areas: political reform, reform of State structures,

economic reform, spiritual life, the judiciary, defence and security, and foreign affairs.

44. A number of Committee members had mentioned the challenge posed by terrorism and extremism. They were dangerous to society in any form, but the use of religious fervour to fuel racial hatred was of particular concern. In Central Asia, such extremism was often linked to terrorism and the drug trade. The Government agreed, however, that the connection between extremism and illicit activity should not be used as a pretext to repress religious practice, and that the Human Rights Ombudsman should examine related claims of torture and illegal detention. Turning to questions of religious dialogue (paras. 249 and 250 of the report), he said that for over 70 years, Uzbekistan had been an atheistic State, under whose rule many religious buildings and institutions had been destroyed. Currently, however, it was keen to recover its religious heritage, and was proud to be an Islamic State. All persuasions were welcome, however. Historically, Uzbekistan had always been a pluralistic society — in fact, a Jewish community had existed there for over 2,500 years. Many languages and cultures had mingled along the historic Silk Road, and Uzbekistan wished to preserve that heritage of pluralism. There was separation of religion and the State; citizens were also free not to practice a religion.

45. In response to questions about torture and the death penalty, he said that he could not provide statistics on the death penalty as they were not available to the public. As to the view that the imposition of the death penalty only on men was discriminatory, it seemed illogical that, in a country often criticized for its treatment of women, a humane attitude towards women could be construed as discrimination against men. From the time of their arrest through their sentencing, detainees were under the jurisdiction of the Ministry of the Interior. Concerning the law on states of emergency, the Government had studied the Covenant carefully when drafting it; the text would be made available to members. The concerns expressed regarding alleged cases of torture and ill-treatment of detainees were understandable. The Government found such practices unacceptable and did not condone them in any way; indeed, it was trying to end torture in all its forms. If Committee members had actual evidence to substantiate the claims of torture, he would like to examine it and would transmit it to the relevant State

bodies. During a trial, any complaint that a prisoner had been tortured must be investigated immediately, and if there was evidence that a judge had ignored such a complaint, that must be pursued as well.

46. With regard to the restrictions on the registration of religious organizations, a new law had been passed in 1998 eliminating the requirement that such organizations must have a minimum of 100 members to register. It had been pointed out that the membership requirement had been used to discriminate against Christian or other non-Muslim organizations, but since the passage of the new law, virtually all such organizations were able to register legally. He agreed once again that combating religious extremism should not be used as a shield for human rights violations. In general, both the Procurator's Office and the Ombudsman received complaints of human rights violations, and a system under law existed for the examination of such complaints.

47. As a newly independent State, Uzbekistan had made the establishment of new structures its priority, even as the old bodies were being eliminated. It had made a great deal of progress in the short 10 years since independence, and had no wish to delay the transition to democracy. However, at times the spirit was willing but the capacity to effect change was still lacking.

The meeting rose at 1 p.m.