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**STATEMENT BY THE DELEGATION OF THE  
REPUBLIC OF UZBEKISTAN AT THE MEETING OF THE  
OSCE PERMANENT COUNCIL**

27 May 2004

Mr. Chairman,

First of all let me thank the delegation of Ireland, which, in the name of the European Union (EU) countries, is continuing to support constructive dialogue in the Permanent Council on questions related to the creation of a democratic society based on the rule of law in Uzbekistan; equally, I want to express our thanks for the support shown to our country by other EU governments.

In connection with the EU statement, I should like to stress once again that Uzbekistan attaches great significance to the process of preparing and holding the parliamentary elections in the Republic which are planned for December this year. We know very well that the ongoing process of developing a democratic State based on the rule of law will depend on their outcome. In this context I should like to emphasize that one of the important aspects of Uzbekistan's collaboration with the OSCE this year lies precisely in the preparation and conduct of the parliamentary elections. We acknowledge that not all problems have yet been solved, but we are looking forward to constructive collaboration with the Office for Democratic Institutions and Human Rights during the time remaining to us before the elections.

With regard to the question of re-registration of non-governmental organizations (NGO) in Uzbekistan, I should like to quote from a statement made at a press conference by the Minister of Justice of Uzbekistan in Tashkent on 21 May this year; the statement in question was devoted precisely to the re-registration of NGOs carried out by the Ministry of Justice in 2004. The Minister reported that out of 76 applications submitted by such organizations, 73 had already been approved by the State so that the organizations in question are able to pursue their activities on an entirely legal basis. At the same time, a few official words of caution were addressed by the Ministry of Justice to the National Democratic Institute of International Relations of the USA and to the International Republican Institute of the USA, which, following their registration in June 2003, repeatedly violated the laws of Uzbekistan, and also to the human rights organization "Freedom House". Questions relating to registration of the remaining organizations are still under consideration.

With regard to the concern about the problem of torture in Uzbekistan's prisons expressed by the delegation of Ireland, I wish to recall that in accordance with recommendations made by various international organizations — in particular the competent bodies of the United Nations — a definition of the concept "torture" has been added to the

Criminal Code of the Republic of Uzbekistan, and appropriate punishment under the country's Criminal Law in the form of imprisonment is provided for this crime.

Furthermore, the Republic is engaged in active work within the framework of the National Plan of Action drafted on the basis of recommendations by the United Nations Special Rapporteur on Torture, Mr. Theo van Boven. Representatives of the diplomatic corps from EU States accredited in Tashkent can look into this matter for themselves: they are perfectly free at any time of their own choosing periodically to visit the correctional labour institutions of the Republic.

With regard to the statement of the EU delegation referring to the death of Mr. Andrei Shelkovenko, an Uzbek citizen, I should like to say that according to information provided by the competent Uzbek bodies, the death of Mr. Shelkovenko occurred as a result of suicide while in custody. More detailed information on this case will be distributed to interested delegations as an attachment to my statement.

At the same time I should like to draw the attention of my colleagues in the Permanent Council to the fact that, in the light of this and other similar cases, the Government has decided to establish a special commission consisting of representatives of a number of State bodies (the Public Prosecutor's office, the Ministry of Internal Affairs, the Ministry of Justice, the Ombudsman and the National Centre for Human Rights), and also representatives of international human rights organizations, with a view to clarifying the causes of any deaths that occur in the correctional labour institutions of the Republic.

Finally, I should like to tell you that the concern expressed by EU States will be brought to the attention of the Uzbek authorities without delay.

Thank you for your attention.

## **Information on the case of A. Shelkovenko**

Andrei Yurevich Shelkovenko together with his accomplices P.A. Zaam, S.S. Resmetov and S.T. Rasulov were committed, upon the authority of the Public Prosecutor of the Bostanlyksk district of Tashkent, to custody on a charge of premeditated murder for personal gain.

In the course of the investigation it was established that the main purpose of the crime was the possession of a sum of 1,500 US dollars which according to P. Zaam was held by a woman called V. Agafonova who lived with a certain A. Podsekanov and was preparing to leave the country for permanent residence in Germany.

On 22 April 2004 Shelkovenko and others burst into the flat of V. Agafonova and A. Podsekanov and began to demand money from them. They inflicted a number of knife wounds on Podsekanov and took 220 US dollars, 70 euros and some other property from the couple before leaving the scene of the crime. Podsekanov died of his wounds.

In the light of these circumstances the Public Prosecutor instituted an investigation and brought charges under the relevant section of the Uzbekistan Criminal Code (premeditated murder for personal gain).

The guilt of A. Shelkovenko and the other accused parties in connection with the crime described above is proved not only by the evidence emerging from their confessions in direct confrontation but also by the material evidence revealed, the evidence produced in the expert enquiries and other elements of proof.

Owing to Shelkovenko's suicide by hanging on 19 May 2004 in prison, the office of the Public Prosecutor and the Directorate of Internal Affairs of Tashkent District have instituted an enquiry into the legality of the action taken by the police and Shelkovenko's body has undergone a forensic medical examination. Following these enquiries and the examination, a decision will be taken in the light of the results and in accordance with relevant Uzbek law.

At the present time a special commission is being appointed to look into the causes of Shelkovenko's death. It consists of representatives of State bodies (the Public Prosecutor's office, the Ministry of Internal Affairs, the Ministry of Justice, the Ombudsman and the National Centre for Human Rights) to whom will be added, as observers, certain representatives of foreign embassies (USA, Russia) and of international human rights organizations (Freedom House, Human Rights Watch) in Tashkent.