

PUBLIC

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12 December 2005

Further Information on UA 169/05 (EUR 62/014/2005, 20 June 2005) Imminent execution/torture and ill-treatment/impunity

UZBEKISTAN

**Yuldash Kasymov (m), aged 19
Alisher Khatamov (m), aged 27
Ismatillo Abasov (m), aged 46**

Yuldash Kasymov's death sentence was commuted to 20 years' imprisonment by the Supreme Court on 22 November. However, Alisher Khatamov and Ismatillo Abasov are still on death row and at risk of execution. Appeals from the UA network could save their lives.

Shortly after the Supreme Court's decision, guards led Yuldash Kasymov out of his death row cell in Tashkent prison. "They read out the Court's ruling to him. Yuldash Kasymov was in a state of shock; he could not believe what they were telling him. He thought they were joking and he was about to be executed," told Tamara Chikunova, director of the human rights group Mothers against the Death Penalty and Torture, Amnesty International on 12 December. "When his brother Mansur visited him shortly afterwards Yuldash was overjoyed and was making plans for his future," she added. "He said he wanted to finish his studies in the medical institute." At the end of November Yuldash Kasymov was moved to the prison in Andizhan.

Yuldash Kasymov had been sentenced to death by Tashkent City Court on 3 March 2005, convicted of killing his parents. There were reports that he and his brother were ill-treated during the interrogations in order to force either one of the brothers to plead guilty. Yuldash Kasymov's girlfriend was reportedly beaten to punish her for insisting that he was innocent, and he was told she would be raped in front of him if he did not "confess". As a result of the pressure, Yuldash signed the confession statement.

In a separate case, Alisher Khatamov was sentenced to death by Tashkent Regional Court on 16 March 2005 for murdering two people, and the sentence was confirmed by the Supreme Court on 14 June. According to his father, "Officers of Bukinsky district police and the regional police of Tashkent beat Alisher, our daughter, our younger son, my wife and me. As a result, my face was covered in bruises, my ribs hurt and when they beat Alisher at the police station I could hear his cries of pain in the next room. Both Alisher and I were told that my wife and daughter would be raped unless Alisher 'confessed' to having committed the crime." Reportedly, Alisher Khatamov's lawyer only got access to him two weeks after he was detained. The family complained about the beatings during the trial, but the court apparently ignored them.

Ismatillo Abasov was sentenced to death by Tashkent City court on 31 January 2005 for "premeditated, aggravated murder". According to his wife, he pleaded guilty to the murder and "deeply regrets what he had done." He was allegedly ill-treated in police custody.

In April and May the UN Human Rights Committee lodged separate requests with the Uzbek authorities on behalf of each of the men, to stay their executions while it establishes whether their treatment violated the International Covenant on Civil and Political Rights (ICCPR). As a party to the Optional Protocol to the ICCPR, the Uzbek authorities are obliged to respect such requests, and have done so in some cases. However, they have blatantly ignored them in at least 15 cases. On 21 March 2005 the authorities of Uzbekistan gave a written assurance to the Committee that death row prisoner Akhrokhuzha Tolipkhuzhaev was still alive. It later emerged that he had been executed on 1 March.

BACKGROUND INFORMATION

President Islam Karimov decreed on 1 August 2005 that the death penalty would be abolished in January 2008. Amnesty International welcomed the move, but urged the authorities to commute all outstanding death sentences and introduce a moratorium on the death penalty as a matter of urgency. Unless fundamental changes are introduced promptly scores of people are likely to be sentenced to death and executed before January 2008 in unfair trials.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Russian, Uzbek or your own language:

- welcoming the Supreme Court's decision to commute Yuldash Kasymov's death sentence;
- urging the authorities to abide by the UN Human Rights Committee's requests to stay the executions of Ismatillo Abasov and Alisher Khatamov while it is considering their cases, and thereby honour Uzbekistan's obligation as a party to the Optional Protocol to the ICCPR;
- urging the President to commute the two men's death sentences passed on Ismatillo Abasov and Alisher Khatamov, and all other death sentences that come before him;
- welcoming the August 2005 presidential decree stipulating the abolition of the death penalty from January 2008, and urging the authorities to institute a moratorium on death sentences and executions as a matter of urgency.

APPEALS TO:

President

Islam A. KARIMOV,

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Fax: +998 71 139 15 17 (via Ministry of Foreign Affairs. Mark: "FAO President Karimov")

Email: presidents_office@press-service.uz

Salutation: Dear President Karimov

COPIES TO:

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Salutation: Dear Senator Saidov

and to diplomatic representatives of Uzbekistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 23 January 2006.