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Uzbekistan: Secret executions in a corrupt and flawed justice system

Uzbekistan's flawed criminal justice system provides fertile ground for miscarriages of justice and executions due to judicial error or grossly unfair trials, a new Amnesty International report highlighted today.

"In circumstances where torture is systematic, corruption is unchecked at every stage from investigation to the final clemency process and where courts apply the death penalty without the guidance of objective and publicly accessible sentencing criteria, the retention of the death penalty is particularly irresponsible and unjustifiable," the organization said today.

Justice only in heaven -- the death penalty in Uzbekistan examines the application of the death penalty in cases of alleged "Islamic fundamentalists" as well as in cases without a political element and investigates human rights violations affecting their family members.

The report highlights some of the worst and most fatal consequences of the country's flawed criminal justice system with scores of people executed each year after unfair trials. It sheds light on the country's blatant disregard for international concern about the use of the death penalty in Uzbekistan. At least nine young men were executed despite interventions by the United Nations (UN) Human Rights Committee, exemplifying the authorities' contempt of their own voluntarily made legally binding international obligations.

"Corruption is so prevalent that life and death can depend on the social and economic situation of the family of those charged with a capital offence. Relatives often put more trust in the effectiveness of bribery than in employing a lawyer, and Amnesty International has documented cases where relatives have lost all their property and were bankrupted. However, even the payment of large sums of money has not always been enough to save the prisoners from execution."

Amnesty International noted a number of positive steps, in particular the reversal of at least 11 death sentences in cases that had been raised by local activists and the international community in the past three years. However, the measures taken have failed to address the fundamental nature of the problems surrounding the death penalty.

Executions in Uzbekistan take place in secret and family members and friends are denied the chance to say goodbye to the prisoner. In many cases family members do not know for months

sometimes even years, whether their relative is alive or has been executed. They are not informed where their relative is buried and therefore do not even have a location over which to grieve. Many search for years in the hope of finding the grave. Such a policy clearly punishes the family of those sentenced to death and they suffer cruel, inhuman and degrading treatment from the deliberate secrecy and lack of transparency surrounding vital information about their relatives facing the death penalty.

"It is one of the worst things for me that I do not know where Dmitry is buried. If I knew I would at least have a place where I can go with my grief and where I can talk to him," said Tamara Chikunova whose son was executed in secret in July 2000. She has put up a gravestone with his picture next to her father's grave on a cemetery in Tashkent and symbolically buried a small heap of earth that a Russian Orthodox priest blessed for her.

Relatives of suspects in capital cases have been taken hostage to secure the arrest of the accused and have been tortured, beaten, or threatened with rape. Local human rights defenders and family members struggling to save the lives of death row prisoners have faced harassment, intimidation and death threats.

Several other states have also failed to uphold their obligations to protect the people of Uzbekistan under international law. Kazakstan, Kyrgyzstan, the Russian Federation, Tajikistan and Turkmenistan have been involved in returning people who were sentenced to death on their return to Uzbekistan after unfair trials, often accompanied by credible allegations of torture.

The report makes a number of recommendations including:

As a matter of priority the authorities of Uzbekistan should

Take immediate steps towards abolition by commuting the sentences of all prisoners currently on death row to terms of imprisonment and by promptly imposing a moratorium on all death sentences and executions.

Transparency and humanity

Ensure that relatives of a prisoner under sentence of death are:

Not targeted because of their family relationship with a person charged with a criminal offence punishable by death;

Treated humanely and not subjected to unnecessary suffering.

Ensure that the human rights of anti-death penalty activists and family members struggling to save the lives of death row prisoners are protected.

Make publicly accessible all directives and legislation relevant to the application of the death penalty; ensure that relatives are informed of the date of the execution in advance; that they are given adequate time to say goodbye; and that they are allowed to collect the prisoner's body and personal effects, and to bury the body.

Ensuring fair trial

Bring domestic law in line with Uzbekistan's obligations under international human rights treaties, in particular the International Covenant on Civil and Political Rights and the UN Convention against Torture, and ensure compliance with (UN) Human Rights Committee requests for a stay of execution; Ensure that the independence of the judiciary is not undermined by corruption.

Publish objective sentencing criteria on the use of the death penalty for the courts;

Ensure that mentally ill people are not sentenced to death or executed.

For a copy of Amnesty International's report: "*Justice only in heaven*" - the death penalty in Uzbekistan and of its summary entitled *Uzbekistan: Unfair trials and secret executions* please go to: <http://web.amnesty.org/library/index/engneur620112003> and <http://web.amnesty.org/library/index/engneur620122003> respectively.

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