

**EXTERNAL**

5 August 1992

**@Grachik PETROSYAN, Gagik ARUTYUNIAN, Arno MKRTCHYAN,**  
**Arvid MANGASARYAN, Garnik ARUSTAMYAN**  
**(in cyrillic)**

£Azerbaijani Republic

The five ethnic Armenians Grachik Petrosyan, Gagik Arutyunyan, Arno Mkrтчyan, Arvid Mangasaryan and Garnik Arustamyan were sentenced to death by the Azerbaijani Supreme Court in the capital, Baku, on 19 March 1992 after being convicted of the murder of an Azeri journalist and three military personnel in the disputed region of Nagorno-Karabakh. The five men were due to be executed on 2 April 1992, just two weeks after being sentenced to death. This was replaced by a stay of execution until 16 May 1992. However, Amnesty International has learned that the five ethnic Armenians are still alive and that their cases are being reviewed by the new President of Azerbaijan, Abulfaz Elchibey. A representative of an organization delivering humanitarian aid was able to meet briefly with the five men in Baily prison in Baku on 23 June 1992.

Amnesty International is concerned that the five men, being tried initially by the court of highest instance, were thus deprived of the right to lodge an appeal. The organization is also concerned that a report in the Azerbaijani newspaper Bakinsky rabochy on 4 March referring to the defendants as guilty as charged prior to their conviction may have prejudiced their right to a fair trial.

Amnesty International opposes the death penalty in all cases and without reservation, on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights. Amnesty International is appealing to the authorities in the Azerbaijani Republic to commute the death sentences passed on Grachik Petrosyan, Gagik Arutyunyan, Arno Mkrтчyan, Arvid Mangasaryan and Garnik Arustamyan.

**Background information**

In a letter to Amnesty International in September 1991 the Azerbaijani Minister of Justice wrote that abolition of the death penalty in the republic would be premature. Nevertheless, the Minister indicated that Azerbaijan would endorse the recent reduction in the number of capital crimes under the then USSR law when it adopted "in the future" a new republican criminal code. This republican criminal code would reduce the number of offences carrying the death penalty from 18 in peacetime to five; high treason, premeditated murder under aggravated circumstances, rape of a minor under aggravated circumstances, serious crimes committed against peace and humanity; and the kidnapping of children entailing grave consequences. In a follow-up letter to the Minister of Justice in April 1992 Amnesty International asked if the proposed exemption of women and minors from the death penalty and the

proposed reduction outlined by the Minister had now passed into law in Azerbaydzhan.

The last execution in Azerbaydzhan known to Amnesty International took place in 1990, although in the absence of official statistics it is possible that there have been other executions since then.

Amnesty International currently knows of at least one other ethnic Armenian sentenced to death for murder in Azerbaydzhan and under threat of imminent execution. Armen Avanesyan is said to have been detained in Mineralnye Vody in the Russian Federation in July 1991 and returned to Azerbaydzhan where he was sentenced to death. He was accused of taking part in the bombing of a bus travelling from Tbilisi, Georgia, to the town of Agdam in Azerbaydzhan. It is not known if he has lodged an appeal, or if he has a petition for clemency pending. Yury Dzhangiryan, another ethnic Armenian, who had also been sentenced to death in Azerbaydzhan in late 1991, died in prison on 9 June 1992.