

EXTERNAL (for general distribution)

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EXTRA 46/93

Death Penalty

14 May 1993

AZERBAYDZHAN: Privates Vladislav Kudinov
Konstantin Tukish
Yaroslav Yevstigneyev
Andrey Filippov
Mikhail Lisovoy

(in cyrillic

_____)

Amnesty International fears that the five men named above face imminent execution after being sentenced to death without right of appeal on 12 May 1993 in the former Soviet republic of Azerbaydzhnan.

According to press reports Vladislav Kudinov, Konstantin Tukish, Yaroslav Yevstigneyev, Andrey Filippov and Mikhail Lisovoy are all privates in the Russian Seventh Army, which is deployed in Armenia. Arrested in neighbouring Azerbaydzhnan in September 1992, they were accused of taking part in fighting in the disputed Karabakh region in June that year, during which some 30 Azerbaydzhnan soldiers were killed. Sentences were passed by the Military Collegium of Azerbaydzhnan's Supreme Court, and cannot be appealed. The men's only recourse is a petition for clemency to the Azerbaydzhnani President. Although President Elchibey is said to be opposed personally to the death penalty, Amnesty International fears that adverse public reaction to commutations may influence his decision.

Amnesty International takes no position on territorial disputes. However, the organization opposes the death penalty in all cases without reservation on the grounds that it is a violation of the right to life and the right not to be subject to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration on Human Rights. Amnesty International is urging President Elchibey to commute these and all other pending death sentences.

BACKGROUND INFORMATION

The disputed region of Karabakh is an area of Azerbaydzhnan populated mainly by ethnic Armenians. Inter-communal violence between the Armenian and Azerbaydzhnani populations of this area has escalated since 1988 into an armed conflict which is said to have claimed thousands of lives, many of them non-combatant civilians.

USSR troops deployed in the area were withdrawn after the break-up of the Soviet Union in December 1991, leaving ethnic Armenian paramilitary units of the

self-proclaimed Nagorno-Karabakh Republic in direct conflict with the Azerbaydzhani Army. Both sides have claimed that the other uses mercenaries from the former Soviet Army. In their final statement to the court the five men named above requested prisoner of war status but this was not granted as Azerbaydzhani is not at war with Russia.

Speaking in October last year the Deputy Chairman of the Azerbaydzhani Supreme Court said that the Karabakh conflict was the main factor responsible for a sharp rise in the number of death sentences passed in recent years in the republic: the figure increased from three in 1990 to 18 in 1991, and 18 more in the first six months of 1992.

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RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English, Russian or in your own language:

- urging that the death sentences passed on Vladislav Kudinov, Konstantin Tukish, Yaroslav Yevstigneyev, Andrey Filippov and Mikhail Lisovoy be commuted;
- urging that all other pending death sentences be commuted;
- urging that everyone sentenced to death in Azerbaydzhani be granted the opportunity to appeal to a court of higher jurisdiction, in accordance with internationally-agreed human rights standards;
- pointing out that Amnesty International takes no position on territorial disputes, and in these cases is concerned solely with the issue of the death penalty.

APPEALS TO

1) President Abulfaz Elchibey
ul. Kommunisticheskaya, 19
370066 Baku
Azerbaydzhani Republic

Telegrams: President Elchibey, 370066 Baku, Azerbaydzhani

Faxes: 8922 92 17 63 (please add your country code for Azerbaydzhani)

Salutation: Dear President

2) T. Aslanov
Head of the Presidential Department on
Citizenship and Clemency Issues
ul. Kommunisticheskaya, 19
370066 Baku
Azerbaydzhani Republic

**Telegrams: Azerbaydzhani, 370066 Baku, Otdel po pomilovaniya pri Prezidente,
Aslanovu T.**

Salutation: Dear T. Aslanov

COPIES OF YOUR APPEALS TO:

1) Ikhtiyar Shirinov
Procurator General of the
Azerbaydzhani Republic

ul. Ezima Sarapostam, 9
370201 Baku
Azerbaijani Republic

2) Tofik Gasymov
Minister of Foreign Affairs of the
Azerbaijani Republic
Kontrolny per., 2
370005 Baku
Azerbaijani Republic

3) Maj.-Gen. Dadash Rzayev
Minister of Defence of the
Azerbaijani Republic
pr. Azizbekov, 1
370003 Baku
Azerbaijani Republic

and to diplomatic representatives of Azerbaijan accredited to your country (these are usually to be found at the Russian Embassy, formerly the Embassy of the USSR).

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 14 June 1993.