

PUBLIC

AI Index: EUR 57/002/2003

27 November 2003

Further Information on UA 148/02 (EUR 57/001/2002, 17 May 2002) and follow-ups (EUR 57/004/2002, 11 November 2002, EUR 57/001/2003, 21 February 2003) - Death Penalty/Torture/Il-treatment

KAZAKSTAN

Mikhail Vershinin (m) aged 28  
Evgeniy Turochkin (m) aged 27  
Sergey Kopay (m) aged 36

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On 18 December Mikhail Vershinin, Evgeniy Turochkin and Sergey Kopay will reach the end of a one-year reprieve on their death sentences and are in serious danger of being executed at any time. Five prisoners on death row with Mikhail Vershinin were reportedly secretly executed in October and November and Mikhail Vershinin believes that he is next. His only hope of staying alive now depends on President Nursultan Nazarbayev granting clemency.

Those sentenced to death do not know when they will be shot. Mikhail Vershinin's father explains: "This can take place at any moment once a year has passed from the time [the Supreme Court has turned down their final appeal and] their sentence enters into legal force. That is where their real suffering lies".

The family of Mikhail Vershinin are understandably very distraught: "Our family's only hope lies in the hands of the international community and with your organization. Under your influence it may be possible to change the situation and to obtain a pardon for my son from President Nazarbayev".

The three men had reportedly been tortured in order to force them to confess to a number of murders, and were sentenced to death by Almaty City Court in September 2001. The Supreme Court of Kazakstan upheld their death sentences on 18 December 2002.

## BACKGROUND INFORMATION

In his annual speech to the nation in April 2003 President Nazarbayev urged the government to create the necessary conditions for introducing a moratorium on the death penalty. He acknowledged the importance of "continuing to make the criminal law more humane" and called for the introduction of life imprisonment.

A draft law introducing life imprisonment as an alternative to the death penalty was to enter into force on 1 January 2004. This was hailed by government officials as a first step towards a moratorium on executions and the eventual abolition of the death penalty.

Officials in Kazakstan were unable to confirm whether a *de facto* moratorium on executions was in place after a press release issued in July on behalf of President Nazarbayev by an international consultancy group from Paris claimed that no executions would be carried out in Kazakstan until January 2004 when a moratorium would enter into force. In October President Nazarbayev was quoted by Kazak media as saying that Kazakstan was not ready for a moratorium on the death penalty. In November Amnesty International learned that five men were executed.

Kazakstan is applying for observer status with The Parliamentary Assembly of the Council of Europe (PACE), which has resolved (25 June 2001) that it will "only recommend the granting of Observer Status with the Organisation as a whole to states which strictly respect a moratorium on executions or have already abolished the death penalty."

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

- asking President Nursultan Nazarbayev to grant clemency to Mikhail Vershinin, Evgeniy Turochkin and Sergey Kopay;
- welcoming statements by the President in favour of abolition of the death penalty and encouraging him to impose a moratorium on executions and to commute all pending death sentences;
- expressing sympathy for the victims of crime and their families, but pointing out that the death penalty has never been shown to deter crime more effectively than other punishments, and is brutalizing to all those involved in its application.

**APPEALS TO:** (Kazak fax numbers may be difficult to reach. If a voice answers, repeat 'fax' until you hear the signal. Fax machines may be switched off outside office hours - six hours ahead of GMT):

President of the Republic of Kazakstan, Nursultan NAZARBAYEV

Respublika Kazakstan  
473000 g. Astana  
ul. Mira 11  
Apparat Prezidenta  
Prezidentu RK  
NAZARBAEVU, N.A.; Kazakstan  
**Fax: + 7 317 232 3073**  
**Salutation: Dear President**

**COPIES TO:**

Chairperson of the Clemency  
Commission of the Republic of Kazakstan  
Zinaida Leontievna FEDOTOVA  
Respublika Kazakstan  
473000 g. Astana  
ul. Beybitshilik 11  
Apparat Prezidenta  
Komissiya po pomilovaniyu  
Respubliki Kazakstan  
Predsedatelnitse  
FEDOTOVOY Z.L.; KAZAKSTAN  
**Fax: +7 317 232 2451/ 232 7274**

Human Rights Commissioner of Kazakstan, Bolat BAYKADAMOV

Respublika Kazakstan  
473000 g. Astana  
ul. Beybitshilik 2  
Upolnomochennomu po pravam cheloveka RK  
BAYKADAMOVU B.; KAZAKSTAN  
**Fax: + 7 317 232 1767 (a Russian voice will answer, say 'fax' then press start after the beep)**  
**Salutation: Dear Commissioner**

Chairman of the Supreme Court of the Republic of Kazakstan, Kayrat MAMI

Respublika Kazakstan  
473000 g. Astana  
ul. Zh. Omarova, 57  
Verkhovny Sud Respubliki Kazakstan  
Predsedatelyu  
MAMI Kayrat

and to diplomatic representatives of KAZAKSTAN accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 9 January 2004.