

PUBLIC

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Imminent execution/ Torture

04 March 2004

TAJIKISTAN

Abduali KURBANOV (m) aged 44

Amnesty International fears that Abduali Kurbanov is in imminent danger of being executed at any time, despite recent intervention on his behalf by the UN Human Rights Committee.

Abduali Kurbanov was sentenced to death for "aggravated murder" in March 2002 without effective right of appeal. He had been detained a year earlier in May 2001 on allegations of fraud, and was subsequently convicted and sentenced to a term of imprisonment. While he was in prison he was allegedly tortured in order to force him to confess to three murders.

On 12 November 2003, the UN Human Rights Committee called for Abduali Kurbanov to be given the right to a new, open and fair trial or to be released if such conditions could not be met. The Committee found the Tajik state to have violated Abduali Kurbanov's rights under six articles of the International Covenant on Civil and Political Rights (ICCPR), including the right to a fair trial and the right not to be subjected to torture. It reminded the Tajik authorities that under the Optional Protocol they were obliged to provide an effective and enforceable remedy.

BACKGROUND INFORMATION

Since the beginning of 2001, the UN Human Rights Committee has requested that the Tajik authorities suspend the executions of 12 prisoners. By the end of 2002, five of the 12 had been executed. In July 2003, the Tajik parliament approved a draft law, proposed by the President, amending the criminal code. Among the amendments were the abolition of the death penalty for all women and men aged under 18, as well as a reduction in the articles in the criminal code carrying a possible death sentence from 15 to five. The amendments entered into legal force in August 2003.

Precise figures on death sentences and executions are difficult to obtain, as the Tajik authorities continue to treat such information as a secret and, therefore, no official statistics are available. In 2003, at least 34 men were believed to have been sentenced to death. Amnesty International did not learn of any executions during that year. In October 2003, amendments to the law on official secrets were submitted to parliament by the president. However, regrettably none of the amendments proposed to abolish the secrecy surrounding the death penalty were passed.

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

- expressing concern at reports that Abduali Kurbanov may be executed despite the UN Human Rights Committee (HRC) intervening in his case;
- expressing concern at allegations that Abduali Kurbanov was tortured and that his trial did not meet international standards for fair trial and urge the authorities to implement the HRC's recommendation for a re-trial;
- urging President Rakhmonovu to use his constitutional authority to commute Abduali Kurbanov's death sentence;
- urging the authorities to impose a moratorium on death sentences and executions pending a comprehensive review of the death penalty.

APPEALS TO: (Please note that it can be difficult getting through to fax numbers in Tajikistan. If a voice answers, repeat 'fax' until you hear the signal; otherwise it is advisable to leave your fax machine on auto-redial if possible. Fax machines may be switched off outside office hours – six hours ahead of GMT):

President of the Republic of Tajikistan

g. Dushanbe, pr. Rudaki 80
Apparat Prezidenta Respubliki
Prezidentu RAKHMONOVU I.Sh
Tajikistan

Telegrams: Presidentu Rakhmonovu, Dushanbe, Tajikistan

Faxes: +992 372 21 25 20 / 21 18 37

E-mails: primer@pds.td.silk.org (if your e-mail bounces, please send it as a fax if possible)

Salutation: Dear President Rakhmonovu

COPIES TO:

Chair of the Clemency Commission of the Tajikistan Supreme Council

734051 g. Dushanbe, pr. Rudaki 42
Komissiya po voprosam pomilovaniya Verkhovnogo Soveta
Predsedatelyu
Tajikistan

Salutation: Dear Chairman

Minister of Foreign Affairs of the Republic of Tajikistan,

734051 g. Dushanbe, Rudaki 42
Ministerstvo inostrannykh del
Ministru NAZAROVU T.
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and to diplomatic representatives of Tajikistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.