

Appeal Cases

Said Rizvonodzoda and cousins Nazar and Abdulmajid Davlatov

Nazar and Abdulmajid Davlatov and Said Rizvonodzoda were sentenced to death by the Supreme Court of Tajikistan on 27 March 2002 in Dushanbe together with their relative Saidamir Karimov. They were part of a group of seven men from the village of Pyanj, charged with having murdered the former Tajik Deputy Interior Minister Habib Sanginov on 11 April 2001.

Following the announcement of the death sentences Amnesty International and other international human rights organizations started campaigning on their cases. Saidamir Karimov's sentence was commuted in December 2002. A relative of Said Rizvondzoda wrote to the UN Human Rights Committee to complain about the human rights violations in all four cases. The complaint was registered on 24 September 2002 under No. 1121/2002.¹

According to reports the seven men, including the four who were sentenced to death were convicted solely on the testimony of one man, Kiemmidin Mirzoyev, who later retracted his evidence in court. According to an international observer who was monitoring the trial, Kiemmidin Mirzoyev announced at the hearing on the afternoon of 26 February 2002: "I say officially that I slandered every one of the accused, because I was forced to". Kiemmidin Mirzoyev claimed that he had been raped with a truncheon and other objects, and had had his toes and fingers electrocuted in order to implicate the four accused. The court discounted Kiemmidin Mirzoyev's claim, reportedly on the grounds that it had not been submitted on paper through the procuracy, the body that supervises prison conditions.

The four accused claimed in court that they had been tortured in detention, including being subjected to beatings and electric shocks to the anus, genitals, fingers, nose and ears. Said Rizvonzoda, had written three complaints to the procuracy from his prison cell about his treatment, but received no response. The court did not suspend proceedings to allow for these allegations to be investigated.

The four men were accused of carrying out the murder, on the instructions of Kiemmidin Mirzoyev, with weapons supplied by a former United Tajik Opposition (UTO) commander working in the government under the power-sharing agreement that ended the civil war in Tajikistan in 1997. Two other men allegedly behind the murder plot received terms of imprisonment as demanded by the prosecution, while Nazar and Abdulmajid Davlatov, Said Rizvonzoda and Saidamir Karimov were sentenced to death. In a televised speech days before the trial, the chief State Prosecutor described each of the accused as "guilty beyond doubt", violating the presumption of innocence guaranteed to all those facing a criminal charge.

Recommendations:

Write letters to the Supreme Court of Tajikistan,

- **Welcoming the positive decision to commute the death sentence of Saidamir Karimov;**

¹ Tajikistan ratified protocol No 1 of the International Covenant on Civil and Political Rights (ICCPR) in 1999. The protocol allows individuals in states, which are party to the ICCPR to turn to the Human Rights Committee if they feel their rights under the covenant have been violated

- **urging the court to recommend that the President commute the death sentence of Said Rizvonzoda and Najar and Abdulmajid Davlatov;**
- **expressing concern about allegations of torture and ill-treatment of the accused during the investigation;**
- **and expressing concern that the Supreme Court did not immediately suspend the hearing to allow these allegations to be thoroughly investigated**

Write letters to the President of Tajikistan

- **Urging him to commute the death sentences of Said Rizvonzoda and Najar and Abdulmajid Davlatov**
- **Urging him to consider the abolition of the death penalty.**

Write letters to the Procurator General

- **Asking him to conduct investigations into the allegations of torture and ill-treatment of Nazar and Abdulmajid Davlatov, Said Rizvonzoda and Saidamir Karimov**

Write to:

Chair of the Supreme Court of Tajikistan

U.A. DAVLATOV
Respublika Tajikistan
g. Dushanbe
ul. N. Karabayeva 17
Verkhovny Sud Respubliki Tajikistan

Predsedatelyu DAVLATOVU U. A.

President of Tajikistan,

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

Fax: [00 992 372] 21 51 10

Procurator General

B.Kh. BOBOKHONOV
g. Dushanbe
Pr. A Sino 126
Prokuratura Respubliki Tajikistan
Generalnomu prokuroru

BOBKHONOVU B. Kh.

Rakhim Kalandarov

On 17 January 2003 the city court of Dushanbe sentenced Rakhim Kalandarov to death for allegedly murdering the head of the State Committee on Television and Radio Broadcasting, Saif Rakhimov. Rakhim Kalandarov was accused of having shot Saif Rakhimov in front of his house, and charged with murder of a state official, terrorism and possession of an illegal weapon.

The parents of Rakhim Kalandarov reported that their son had been subjected to torture during the investigations. They alleged as well that the trial of their son did not meet international standards for fair trial. For example the family's lawyer claimed that an investigation concluded that the weapon which was found in Rakhim Kalandarov's possession was not the weapon which had been used to kill the head of the State Broadcasting Committee. This evidence had reportedly not been considered by the judge in the trial against Rakhim Kalandarov.

The Organization for Security and Cooperation in Europe (OSCE) raised concerns about violations of international standards in this case in a letter to the Head of the Presidential Commission on Fulfilling International Obligations in the Field of Human Rights.

Recommendations:

Write letters to the Supreme Court of Tajikistan

- **Urging the court to recommend to the President to commute the death sentence of Rakhim Kalandarov;**
- **Expressing concern about allegations that the trial did not meet international standards for fair trial,**

Write letters to the President of Tajikistan

- **Urging him to commute the death sentence passed on to Rakhim Kalandarov**
- **urging him to consider the abolition of the death penalty**

Write to:

President of Tajikistan,

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

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Chair of the Supreme Court of Tajikistan

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Predsedatelyu DAVLATOVU U. A.

Send copies of your letters to the Clemency Commission

Deputy Chair of the Clemency Commission of Tajikistan

G. SHARIPOVA
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Mukharam Fatkhulloev and others

Nine members of an armed group, headed by a former commander of the United Tajik Opposition (UTO) Rakhmon Sanginov, were sentenced to death in February 2003 by the Supreme Court of Tajikistan. Rakhmon Sanginov and other members of his group died in clashes with government forces in June 2001, which started after the group had taken hostages in a village outside of Dushanbe and demanded the release of supporters of the UTO.

Supporters of the UTO and the Tajik government have claimed in the past that regulations under the amnesty agreement, which helped to end the civil war in Tajikistan, have been violated by both sides. Accusations and retaliations by both sides have frequently resulted in politically motivated crimes such as abduction and killing.

Mukharam Fatkhulloev, Ibrohim Khuseinov, Radchabmurod Chumaev, Todzhiddin Butaev, Akhmaddzhon Saidov, Bakhrom Saddulaev, Imed Udiev, Akbar Radzhabov and Savriddin Pirov were accused of terrorism, banditry, illegal possession of arms, hostage-taking and murder and sentenced to death, while other members of the armed group were sentenced to imprisonment from 1.5 to 25 years.

Relatives of Ibrohim Khuseinov, Todzhiddin Butaev, Akbar Radzhabov and Akhmaddzhon Saidov approached the office of the OSCE in Dushanbe and claimed that the men had been tortured and ill-treated while in pre-trial detention.

Recommendations:

Please write to the President of Tajikistan

- **Urging him to commute the death sentences of Mukharam Fatkhulloev, Ibrohim Khuseinov, Radchabmurod Chumaev, Todzhiddin Butaev, Akhmaddzhon Saidov, Bakhrom Saddulaev, Imed Udiev, Akbar Radzhabov and Savriddin Pirov;**
- **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;**
- **Urging him to use his influence consider the abolition of the death**

Write to:

President of Tajikistan,

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


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Send copies of your letters to the Clemency Commission

Deputy Chair of the Clemency Commission of Tajikistan

G. SHARIPOVA
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Petition to promote abolition of the death penalty in Tajikistan
Pétition pour promouvoir l'abolition de la peine de mort au
Tadjikistan

To the President of Tajikistan, Imomali Rakhmonov

Today, Tajikistan has the highest *per capita* rate of death sentences of all of the 55 OSCE member states. Since 1998 the number of reported death sentences passed each year has risen. In 2001, 74 people were sentenced to death and at least five people were executed. In the first six months of 2002 at least 29 people were sentenced to death.

Therefore we ask you to intervene personally to:

- **impose immediately a moratorium on all executions and death sentences,**
- **commute the sentences of all prisoners currently on death row,**
- **launch an immediate reform of the Tajik criminal code to remove the death penalty as possible punishment for any crime.**

We hope that you will support these steps as a means to promote the abolition of the death penalty in Tajikistan, and to join your country to a growing list of European countries who are united in promoting abolition of the death penalty

Name	
First name	
Occupation*	
Adress	
Country	

* : optional

Monsieur le Président de la République du Tadjikistan,

Aujourd'hui, le Tadjikistan a le taux de condamnation à mort le plus élevé parmi les 55 pays de l'OSCE (Organisation pour la sécurité et la coopération en Europe). Depuis 1998, le nombre de condamnations à mort n'a cessé d'augmenter. Pendant l'année 2001, 74 personnes ont été condamnées à mort et au moins 5 personnes ont été exécutées. Durant les 6 premiers mois de 2002, au moins 29 personnes ont été condamnées à mort.

Aussi, nous vous demandons d'intervenir personnellement pour :

- instaurer un **moratoire immédiat** sur les exécutions et les condamnations à mort,
- **commuer toutes les condamnations à mort,**
- entreprendre, immédiatement, une **révision du code pénal tadjik** pour en éliminer la peine mort, quel que soit le crime commis.

Nous espérons que vous appuierez ces mesures destinées à promouvoir l'abolition de la peine de mort au Tadjikistan amenant ainsi votre pays à une avancée significative dans le domaine des droits humains autour desquels les pays européens se sont fédérés.

<Addressee>

<Address>

Dear President,

We have been informed that your government has proposed to abolish the death penalty for women in Tajikistan. We very much welcome such a proposal, which we hope is a first step in the direction of complete abolition of the death penalty in Tajikistan and we are looking forward to the implementation of this proposal.

We are deeply concerned about the use of the death penalty in Tajikistan, which has the highest per capita rate of death sentences among the countries of the Organization for Security and Cooperation in Europe (OSCE). As a member of the OSCE Tajikistan has agreed to keep the question of capital punishment under consideration and to cooperate on this issue with relevant international organizations. Tajikistan has also agreed to make public information regarding the use of the death penalty.

We know that it can take courage to call for the abolition of the death penalty, in the face of enormous pressure from the public who call for capital punishment to fight crime and accusations of ignoring the suffering of victims of crime. However, the death penalty does not only violate the most fundamental human right, the right to life, it also carries an official message that killing is an appropriate response to killing. The death penalty brutalizes society and has never stopped crime.

More and more countries each year abolish the death penalty. By the end of the year 2002, 111 countries had abolished the death penalty in law or practice. In Europe, a new treaty providing for the total abolition of the death penalty without exceptions was adopted and opened for signature.

In view of this and of Tajikistan's international obligations we would like to encourage you to join a growing number of states which oppose the death penalty by introducing a moratorium on the death penalty as a whole and by ending the secrecy surrounding the use of the death penalty.

<Sign_Off>