

EXTERNAL (for general distribution)

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Further information on UA 74/93 (EUR 61/01/93) of 16 March 1993 - Death Penalty

TURKMENISTAN: Yury Yurevich AYRIYEV

(in cyrillic _____)

Amnesty International fears that Yury Yurevich Ayriyev faces imminent execution after his petition for clemency, his last avenue of appeal, was turned down by the President of Turkmenistan last week. Yury Ayriyev was sentenced to death for murder in November 1992 by Balkansky Regional Court. He has protested his innocence and a leading newspaper in Turkmenistan has cast doubt on the conviction.

Recent death penalty cases in Turkmenistan known to Amnesty International suggest that the period from the passing of sentence, through the stages of appeal and petition for clemency can be very short. In the last such case known to Amnesty International, of three men also sentenced to death in November 1992, the process of appealing and then petitioning for clemency was exhausted in less than four weeks, and they were executed in December 1992.

Yury Ayriyev was born in 1966, and comes from Nebit Dag. He was sentenced to death under article 106 of the Criminal Code of Turkmenistan ("premeditated murder under aggravating circumstances") only after a second hearing of the case by the Regional Court of Balkansky velyat (region), sitting in the city of Nebit Dag. The case had originally been sent back for further investigation by the Supreme Court of Turkmenistan on 2 September 1992 on grounds of inconsistencies in the preliminary investigation. It is alleged that witnesses' statements were distorted during the second hearing and that references to a second man's involvement, an army officer, were brushed aside by the prosecution and the officer was never asked to appear before the court. Numerous petitions by the community in which Yury Ayriyev lived, his old schools and colleges, and his workplace were handed in to the Supreme Court and to the President, pleading for his life and claiming his innocence. An article in the official Turkmen newspaper Turkmenskaya Iskra cast serious doubts on the conviction and the alleged guilt of Yury Ayriyev. Nevertheless the Supreme Court and the President of Turkmenistan have turned down his appeals for clemency.

BACKGROUND INFORMATION

To Amnesty International's knowledge, the Criminal Code of Turkmenistan retains the death penalty for 18 peacetime offences. Information about its application

is meagre in the absence of any published official statistics, although Amnesty International has learned from unofficial sources of four executions carried out during 1992. Execution is by shooting.

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 or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights.

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

- expressing concern that Yury Yurevich Ayriyev was sentenced to death in November 1992;
- explaining Amnesty International's opposition to the death penalty;
- urging the President to commute Yury Yurevich Ayriyev's death sentence.

APPEALS TO

1) President of Turkmenistan:

Turkmenistan

g. Ashgabat

Prezidentu Turkmenistana

NIYAZOVU S.A.

Telegrams: Turkmenistan, g. Ashgabat, Prezidentu Niyazovu

Faxes: + 3632 25 14 63

Telexes: 116338 ULKE SU

Salutation: Dear President Niyazov

COPIES OF YOUR APPEALS TO:

1) Minister of Foreign Affairs of Turkmenistan:

Turkmenistan

744000 g. Ashgabat

ulitsa Magtymguly, 87

Ministerstvo inostrannykh del Turkmenistana

Ministru ATAYEVU Kh.

Faxes: + 3632 25 14 63

2) Chairman of the Clemency commission of the Turkmenistan Majlis (Parliament):

Turkmenistan

g. Ashgabat

Kommissiya po voprosam pomilovaniya Majlisa Turkmenistana

Predsedatelyu

3) Chairman of the Supreme Court of Turkmenistan:

Turkmenistan

744000 Ashgabat

prospekt Lenina, 18

Verkhovny Sud Turkmenistana

Predsedatelyu ATAYEVU Kh. A.

4) Permanent Representative of Turkmenistan in Moscow:

Rossiya

g. Moskva

ul. Aksakova, 22

Postoyannomu predstavatelyu Turkmenistana v Moskve

NURKLYCHEVU N.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 21 July 1993.