

PUBLIC

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18 March 2005

Further Information on EXTRA 05/03 (EUR 62/001/2003, 15 January 2003) and follow-ups (EUR 62/003/2003, 7 March 2003; EUR 62/007/2003, 24 June 2003; EUR 62/008/2004, 29 April 2004) - Death penalty

UZBEKISTAN

Farid Nasibullin (m), aged 31

Farid Nasibullin could be executed at any time: the Uzbek authorities are feared to have recently executed a man who had not been the subject of mass international appeals. Farid Nasibullin could meet the same fate without continued international pressure on the Uzbek President to commute his death sentence.

The United Nations (UN) Human Rights Committee had lodged a request with the Uzbek authorities on 18 February to stay Farid Nasibullin's execution until the Committee had considered allegations that key provisions of the International Covenant for Civil and Political Rights (ICCPR) had been violated in his case. The Uzbek authorities are obliged to follow such requests: however, there are fears that another man on death row, Akhrorkhuzha Tolipkhuzhaev, may have been executed earlier this month, despite the fact that the Committee had asked them to stay his execution on 6 May 2004 and was still considering his case.

Farid Nasibullin was sentenced to death by Tashkent Regional Court on 25 February 2003, convicted of killing two people. His wife was sentenced to 15 years' imprisonment in connection with the murders. Reportedly, no lawyer was present while Farid Nasibullin was first interrogated after his arrest. Police reportedly beat both of them severely to extract "confessions". Farid Nasibullin's wife was six months' pregnant at the time.

Akhrorkhuzha Tolipkhuzhaev had been sentenced to death by the Military Court of Uzbekistan on 19 February 2004, convicted of killing two minors in July 2001. He was arrested in Kazakhstan, where he was working at the time, and handed over to the Uzbek authorities on 13 September 2002. There are strong indications that he was tortured while in the custody of Tashkent City police. Several police officers reportedly lifted him up by his arms and legs and smashed his body on the concrete floor several times. As a result Akhrorkhuzha Tolipkhuzhaev's showed blood in his urine, suggesting that he had possibly suffered internal organ damage. When he was put on trial, the court reportedly ignored his allegations of torture by police.

On 14 March Akhrorkhuzha Tolipkhuzhaev's father came to visit his son, having previously obtained official permission to do so. The prison guards refused to let him in, without giving any reason. The following day, prison guards refused to allow Akhrorkhuzha Tolipkhuzhaev's lawyer to meet him, saying that his client was no longer registered on death row in their prison. When meetings with death row prisoners are prevented in this way, it often indicates that the execution has taken place already.

BACKGROUND INFORMATION

The Uzbek criminal justice system is marked by widespread corruption and the failure of courts to investigate allegations of torture. Following his visit to Uzbekistan in November and December 2002, the UN Special Rapporteur on torture concluded that "torture or similar ill-treatment is systematic" in Uzbekistan. Relatives and death row prisoners themselves are not informed of the date of execution in advance. The location of the burial sites of executed prisoners is kept secret, compounding the anguish of their relatives.

By the end of 2004, the Uzbek authorities had executed a total of at least 14 death row prisoners on whose behalf the UN Human Rights Committee had intervened. Uzbekistan has ratified the first Optional Protocol to

the ICCPR, and has therefore committed itself to follow the recommendations of the UN Human Rights Committee, including requests for stays of execution.

According to a statement by President Islam Karimov on 2 December 2004, between 50 and 60 people were sentenced to death that year. However, in violation of Uzbekistan's international obligations, the country has never published comprehensive statistics on the numbers of death sentences and executions.

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

- urging the President to commute the death sentence of Farid Nasibullin and all other prisoners on death row;
- calling on the authorities to investigate thoroughly and impartially allegations that Farid Nasibullin, his wife and Akhrorkhuzha Tolipkhozhaev were tortured and ill-treated in pre-trial detention, and bring to justice anyone found responsible;
- expressing serious concern at reports that Akhrorkhuzha Tolipkhozhaev may have been executed in early March 2005 while his case was still under consideration by the United Nations Human Rights Committee, who had requested a stay of execution in May 2004;
- urging the authorities to confirm whether he has indeed been executed;
- urging the authorities to give assurances that they are committed to upholding their obligations as a party to the first Optional Protocol to the ICCPR, which include honouring the Committee's requests for stays of execution;
- expressing your unconditional opposition to the death penalty as a violation of one of the most fundamental of human rights, the right to life, and calling on the authorities to promptly introduce a moratorium on death sentences and executions.

APPEALS TO:

President

Islam A. KARIMOV,
Rezidentsia prezidenta; ul. Uzbekistanskaia, 43; Tashkent 700163; UZBEKISTAN
Fax: +998 71 139 53 25
Email: presidents_office@press-service.uz
Salutation: Dear President Karimov

Minister of Foreign Affairs

Eler GANIEV
Ministerstvo inostrannykh del RU; pl. Mustakillik, 5; Tashkent 700029; UZBEKISTAN
Fax: + 998 71 139 15 17
Salutation: Dear Minister Ganiev

Minister of Internal Affairs

Zakirzhan ALMATOV
Ministerstvo vnutrennikh del RU, ul. Novruz , 1; Tashkent 700029; UZBEKISTAN
Fax: +998 71 133 89 34
Salutation: Dear Minister Almatov

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 April 2005.