

PUBLIC

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24 June 2003

Further Information on UA 129/03 (EUR 62/004/2003, 9 May 2003) Fear of imminent execution/ torture and ill-treatment

UZBEKISTAN

**Abror Isaev (m), aged 19
Nodirbek Karimov (m), aged 22
Muzaffar Mirzaev (m), aged 29**

Abror Isaev, Nodirbek Karimov and Muzaffar Mirzaev could be executed at any time, despite the United Nations Human Rights Committee (HRC) intervening on their behalf. The HRC has urged the authorities to stay the executions of the three men while it examines the case.

There are strong indications that three other men, Azamat Uteev, Ilkhom Babazhanov and Maksud Ismailov, were executed in May in Uzbekistan despite the intervention of the HRC (see EXTRA 05/03, EUR 62/001/2003, 15 January 2003 and follow-ups). These executions would have been the first to be carried out since the UN Special Rapporteur on Torture raised concerns about Uzbekistan's handling of interventions from the HRC. In his February 2003 report on Uzbekistan, the Special Rapporteur addressed the authorities' failure to consider communications on individual cases by the HRC and expressed "[serious concern] at what appears to be a lack of appropriate consideration of, and action in relation to requests on behalf of individuals at risk of torture or even execution[...]".

Abror Isaev and Nodirbek Karimov were sentenced to death in December 2002 for the killing of two people in May 2002. According to Abror Isaev's mother, her son has been severely mentally disturbed since he was sentenced. Abror Isaev claims that he is innocent. His mother told Amnesty International that he initially went to the police of his own accord, believing that he would only be questioned as a witness to the murder. He was reportedly detained and beaten repeatedly for a week in order to make him sign a 'confession', though he refused to do so. Abror Isaev reportedly tried to commit suicide just before a visit from his mother on 3 April 2003 in Tashkent prison. His mother told Amnesty International: "He was completely beside himself. He whispered to me that the prison guards had told him right before the visit that they were taking him to be shot. He had a fresh red mark on his neck and I understand he wanted to strangle himself." When she visited him again a month later, she says he was hardly able to recognize her and she was told by the guards that he has not spoken to anyone for two weeks. "I knocked at the glass screen between us and dangled a thread in front of his eyes, but his eyes didn't follow. I said 'it's Mama', but he didn't recognize me. He was humming and had his eyes fixed on the ceiling." During her most recent visit on 2 June, she claims her son was hardly able to walk.

Nodirbek Karimov admitted his participation in the May 2002 killing, but denies charges of aggravated murder. He claims that he and his brother Aziz were drunk and had entered the house of the two victims in order to rob them, not to kill them. According to their father, Nodirbek Karimov has stated that Abror Isaev did not participate in the killing. Nodirbek's brother Aziz were sentenced to 20 years' imprisonment for his participation in the killing. Muzaffar Mirzaev was sentenced to death in September 2002 after he admitted having killed two people in April 2002 in Tashkent. However, information received by Amnesty International indicates that Muzaffar Mirzaev may be mentally ill. According to eyewitnesses, he spent several hours sitting next to the bodies of the murder victims, watching television. When he left the murder scene, he reportedly wandered around Tashkent for ten days, but told his parents that he does not remember where he went. His mother claims he told his parents about voices in his head and headaches on his arrival home after the murder. His father took him to the police, believing that the police would not punish a mentally ill person. Upon learning that his son might be sentenced to death, Muzaffar Mirzaev's father committed

suicide. Muzaffar's mother told Amnesty International that her son does not talk to her when she visits him in prison.

BACKGROUND INFORMATION

The UN Special Rapporteur on Torture, who visited Uzbekistan in November and December 2002, declared at the end of his visit that torture was "systematic" in Uzbekistan and that "many confessions obtained through torture and other illegal means were then used as evidence in trials, [including] in trials that are leading to the death penalty or to very severe punishment". By ratifying the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) Uzbekistan gave authority to the HRC to receive individual complaints and review allegations of violations under provisions of the Covenant. According to rule 86 of the HRC's rules of procedure, a State party to the Optional Protocol may be asked to take necessary steps to prevent irreparable damage, such as a stay of execution, while the request is being considered by the HRC.

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

- expressing concern at reports that Azamat Uteev, Ilkhom Babazhanov and Maksud Ismailov were executed in Uzbekistan in May 2003 despite the UN Human Rights Committee (HRC) intervening in their cases;
- urging the President to commute the death sentences of Abror Isaev, Nodirbek Karimov and Muzaffar Mirzaev and all other death sentences that come before him;
- urging the authorities to give assurances that the executions of Abror Isaev, Nodirbek Karimov and Muzaffar Mirzaev are put on hold while their cases are under consideration by the HRC;
- expressing concern at reports that Abror Isaev and Muzaffar Mirzaev are mentally ill and pointing to the repeated resolutions from the UN Commission on Human Rights and the Economic and Social Council against the use of the death penalty with regard to people suffering from mental illness;
- calling on the authorities to decisively move towards the abolition of the death penalty, as the death penalty is the ultimate violation of one of the most fundamental of human rights – the right to life;
- calling on the authorities to ensure full cooperation with the HRC, in accordance with the terms of the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

APPEALS TO:

President of Uzbekistan

Islam Abduganiyevich KARIMOV

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Telegram: Prezidentu Karimovu, 700163 Tashkent, Uzbekistan

Fax: + 998 71 133 7258 (Write on the top of your fax: "Tel.: 139 53 75; 139 82 60; 139 59 29; Prezidentu RU; KARIMOVU I.A.")

E-mail: presidents_office@press.service.uz (if your e mail bounces back, please fax it if possible)

Salutation: Dear President Karimov

Minister of Foreign Affairs

Sodiq Solihovich Safoyev

Respublika Uzbekistan; 700029 g. Tashkent; pl. Mustakillik, 5; Ministerstvo inostrannykh del RU; Ministru Safoyevu, S.S., UZBEKISTAN

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Salutation: Dear Minister

COPIES TO:

Parliamentary Commissioner for Human Rights

Sayora RASHIDOVA

Respublika Uzbekistan; 700035 g. Tashkent; ul. Xalqlar Dostligi, 1; Oliy Majlis RU; Upolnomochennoy po pravam cheloveka pri Oliy Majlis; RASHIDOVY S., UZBEKISTAN

E mail: ombudsman@uzpak.uz / office@ombudsman.gov.uz

Chairman of the Supreme Court of the Republic of Uzbekistan

Respublika Uzbekistan; 700183 g. Tashkent; ul. Abdulla Kodiri, 1; Verkhovny Sud Respubliki Uzbekistan; Predsedatelyu FAKHREDDINOVY

and to diplomatic representatives of Uzbekistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 August 2003.