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# Uzbekistan

## Unfair trials and secret executions

### Introduction

*“Uzbekistan’s criminal policy on the application of the death penalty is fully in keeping with world processes and consistently reflects the principle of humanism embedded in the Constitution of Uzbekistan and the traditions of our people that have at all times treated a human being and his life as the greatest treasure given by the Almighty.”*

**President Islam Karimov addressing Parliament, 29 August 2001**

*“They find justice only in heaven.”*

### **The mother of a prisoner on death row in Uzbekistan**

These opposing views on the death penalty in Uzbekistan testify to the gulf between the government and the many critics of its criminal justice system. Numerous testimonies -- from prisoners under sentence of death, their relatives and lawyers, and local human rights defenders -- confirm the findings of human rights experts that Uzbekistan is failing to meet its obligations under international law.

Scores of people are executed every year after unfair trials. Many of them were tortured. “Confessions” extracted under torture are routinely used as evidence in trials. Corruption is an integral part of the investigation, trial and appeal in such cases. The clemency process and the executions themselves are shrouded in secrecy, compounding the punishment inflicted not only on prisoners but on their families. Relatives are denied the chance to say goodbye and may not know for months or years whether their loved one has been executed. They are not told where he is buried and many search for years in the hope of finding the grave. Families have also been targeted -- taken hostage, beaten and threatened. Corruption by officials has resulted in many being dismissed from their jobs, losing all their property or being bankrupted.



The parents of Allanazar Kurbanov, who was sentenced to death in August 2001, hope their son is still alive. “We want to find out the truth. We are getting contradictory signs from the authorities, but nothing definite. We’ll not give up to find out what happened,” told Allanazar Kurbanov’s father Amnesty International delegates.  
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Since Uzbekistan emerged as a sovereign state following the collapse of the Soviet Union (USSR) in 1991, the government has responded to some of the concerns about the death penalty raised by local human rights activists and the international community. At least 11 death sentences that have been raised by local activists and the international community in the past three years have been reversed to prison terms and the authorities of Uzbekistan have announced an intention to abolish the death penalty by stages. Since 1994 the number of capital offences under the Criminal Code has been reduced from 13 to four. In 1995 the government ratified the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), allowing individuals in Uzbekistan to bring complaints about human rights violations directly to the United Nations (UN) Human Rights Committee, the expert body that monitors states parties' implementation of the ICCPR. Men under 18 or over 60 at the time when the crime was committed are exempt from the death penalty, as are women.

However, the authorities have failed to acknowledge the fundamental nature of the problems surrounding the death penalty. They have not shown sufficient political will to reform domestic law and institutions to bring them in line with the country's obligations under international human rights standards. The government has shown contempt for its voluntarily made legally binding international commitments, proceeding with the executions of at least nine people while their cases were still under consideration by the (UN) Human Rights Committee and has failed to respond appropriately to requests to provide comprehensive statistics on the death penalty in Uzbekistan by the (UN) Human Rights Committee, the Special Rapporteur on torture, the (UN) Committee against Torture, and the Organization for Security and Co-operation in Europe.

Other states have also failed in their obligations under international law to protect the people of Uzbekistan. Kazakstan, Kyrgyzstan, the Russian Federation, Tajikistan, and Turkmenistan have been involved in forcibly returning people to Uzbekistan in spite of clear evidence that they were at risk of serious human rights violations.

This document is a summary of the report, '*Justice only in heaven*' -- *the death penalty in Uzbekistan* (AI Index: EUR 62/011/2003), in which Amnesty International details the findings of its research, including in Uzbekistan, into abuses associated with the use of the death penalty. Its recommendations include an appeal to the authorities in Uzbekistan to take immediate steps towards abolition of the death penalty and to promptly declare a moratorium on death sentences and executions.

**The death penalty: a human rights violation**

Amnesty International opposes the death penalty worldwide in all cases without exception. The death penalty is the ultimate denial of human rights. It is the premeditated and cold-blooded killing of a human being by the state in the name of justice. It is the ultimate cruel, inhuman and degrading punishment.

As long as the death penalty is maintained, the risk of executing the innocent can never be eliminated.

As an organization concerned with the victims of human rights abuses, Amnesty International does not seek to belittle the suffering of the families of murder victims. A flawed justice system, however, serves them as ill as it does those passing through it.

## **Defying the trend towards abolition**

Uzbekistan is defying a trend towards abolition that has seen over half the countries in the world abolishing the death penalty in law or practice.

Since independence in 1991, Uzbekistan has reduced the number of capital offences from over 30 to four: “premeditated, aggravated murder”, “aggression”<sup>1</sup>, “genocide” and “terrorism”. However, non-governmental sources suggest that the reduction of articles has had no impact on the actual number of sentences. No official was willing to provide statistics, on the grounds that they were secret. According to several non-governmental sources, hundreds may await execution each year. Amnesty International has documented more than 150 death sentences since 1999, but the true figure is believed to be considerably higher.

Several government officials, although -- as they told Amnesty International delegates in June 2003 -- personally in favour of abolition, said that public opinion was not yet ready for such a step and that the financial implications, for example in providing appropriate detention facilities for life prisoners, constituted a significant hurdle. Amnesty International believes that the international community must ensure that the death penalty in Uzbekistan is not retained for financial reasons.

The Criminal Code exempts men aged under 18 or over 60 at the time of the offence from the death penalty (Article 51), as well as women. Although the Article does not make additional provisions for people with mental disabilities, the Criminal Code does provide a number of safeguards prohibiting the execution of people with mental disabilities. However, mental disabilities have reportedly been ignored in some cases. In others, the security services are alleged to have predetermined the outcome of medical reports requested by the courts.

## **Scope for judicial error**

Death sentences have been passed after trials and appeal processes that fail to meet international human rights standards, including in cases with a political element.

The criminal justice system is fundamentally flawed. Torture is systematic. Corruption is unchecked at every stage from investigation to the clemency process. Courts apply the death penalty without the guidance of objective and publicly accessible sentencing criteria.

### **International Covenant on Civil and Political Rights**

Articles 6, 7, 9 and 14 of the ICCPR, which Uzbekistan ratified in 1995, require:

- That no one is arbitrarily deprived of their life;
- judicial scrutiny of arrest and continuing detention;
- the right to trial within a reasonable time or release;
- the presumption of innocence;
- access to a lawyer from the moment of detention;
- public trial before an independent and impartial court;

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<sup>1</sup> Part 2 of the Article on “aggression” (Article 151 of the Criminal Code) stipulates that the “initiating or waging of an aggressive war” is punishable by 15 to 20 years’ imprisonment or by death.

- the right of prisoners not to incriminate themselves or testify against themselves;
- adequate time and facilities to prepare a defence;
- reversal of the burden of proof in cases where detaining authorities are alleged to have brutalized a prisoner.

## Torture

Many prisoners under sentence of death are alleged to have been victims of fabrication of evidence by the police. In June 2002, the Committee against Torture expressed concern that “*the continued use of the criterion of ‘solved crimes’ as a basis for promotion of law enforcement personnel*” encouraged torture in Uzbekistan.

Uzbekistan is committed to prohibiting torture and cruel, inhuman or degrading treatment or punishment under the ICCPR and the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Convention against Torture). However, in domestic law, there is no mechanism to challenge the legality of a detention, leaving the process of arrest open to discrimination and corruption. Procurators and police have powers to deny access to the detainee’s lawyer, doctor and family, removing the safeguard of contact with the outside world.

Detainees are often held incommunicado for days or weeks and there are countless reports of torture throughout. The UN Special Rapporteur on torture concluded in February 2003 that “*torture or similar ill-treatment is systematic*” and used “*indiscriminately*” in both political and criminal cases. Detainees’ requests to see a doctor or to go to hospital because of their injuries are nearly always turned down by the police.

### Untreated injuries

A 26-year-old welder, Valery Agabekov, was reportedly denied medical treatment after he and brother-in-law Andrey Annenkov were tortured by police in Akhangaran, Tashkent region, in February 2001. “*They broke my jaw. I am not able to eat properly now... They were trying to rape me. I was handcuffed, attached to the radiator... They started to hit my head against the radiator. Then they placed a plastic bag over my head and the investigator shouted: ‘Either you confess now or you will die before your trial’. I could not breathe and blood was running down my hands. Several times I lost consciousness. I kept repeating, ‘I am innocent’. When I asked them to call a doctor, the investigator said that the only person they would call for me was the grave digger... They broke one of [Andrey’s] ribs and knocked out a tooth.*” Both men were convicted of robbing and killing two women, and were sentenced to death on 18 September 2001, commuted to 12 years’ imprisonment on 23 April 2002 by the Supreme Court.



Valery Agabekov reported torture and rape threats in pre-trial detention. © Private

Amnesty International has brought dozens of such cases to the attention of the authorities in Uzbekistan. Yet procurators, courts and the parliamentary human rights ombudsperson have persistently failed to launch timely, thorough and independent investigations as required under the Convention against Torture. The authorities' standard reply has been to deny the use of force without detailing the steps taken to reach this conclusion or the evidence it was based on.

The Convention against Torture requires that "confessions" elicited by torture or ill-treatment are not admitted as evidence. Yet judges typically respond to complaints of torture by requesting medical documentation, although the defendant may have been denied access to a doctor in pre-trial detention. Consequently, many convictions in capital cases have been based primarily on "confession" statements allegedly obtained under torture.

### Forced 'confession' in incommunicado detention

Iskandar Khudoberganov was reportedly tortured after his detention in February 2002 on suspicion of involvement in bombings in Tashkent in February 1999 in which more than 12 people were killed and more than 100 injured. Iskandar Khudoberganov took a great risk when smuggling a letter to his relatives past the prison censor: *"In the basement of the Interior Ministry...they tied my hands from behind, hit me with truncheons and chairs and kicked me in the kidneys. They hit my head against the wall until it was bleeding. They did not let me sleep. For weeks they did not give me food.... They said: 'Think of your relatives, your mother, your wife, your sister; think of their honour. We will bring them here and rape them in front of your eyes.' Only then I gave in and signed what they wanted me to sign..."* Convicted in November 2002 of murder and "terrorism", "attempting to overthrow the constitutional order" and "setting up an illegal group", his appeal and those of five co-defendants against prison terms were turned down by the Supreme Court in April 2003.



Death row prisoner Iskandar Khudoberganov alleged torture: *"If I had not signed the confession in the end, I would not be alive anymore."* © Private

### Lack of sentencing guidelines

The death penalty in Uzbekistan is discretionary, not mandatory. Murder, for example, if committed in conjunction with any of 17 aggravating circumstances, is punishable by imprisonment of between 15 and 20 years or by the death penalty. Yet no guidance or

commentary on the Criminal Code is publicly available, allowing an element of arbitrariness in the judgments delivered by different courts and opening the door to corruption.

In June 2003, Supreme Court judges refused to disclose information to Amnesty International about sentencing patterns. In the absence of statistics, unofficial sources have suggested that the Tashkent Regional Court, Tashkent City Court, Samarkand City Court and the Supreme Court of the Autonomous Region of Karakalpakstan are most likely to hand down death sentences.

### **Political trials**

Since 1998 at least 38 -- and possibly many more -- death sentences have been passed on political prisoners. Their trials, usually on charges of murder and "terrorism", have taken place amid government accusations of "religious extremism" and have failed to meet international fair trial standards.

### **No investigation**

At the trial of Talib Mamadzhonov and seven others on charges of killing officials and police officers in the Namangan region in 1997, the defendants showed signs of torture. Talib Mamadzhonov, subsequently sentenced to death, lost consciousness on one occasion and was reportedly unable to sit or stand in court as a result of torture. Other defendants were sentenced to prison terms. One, Nosir Yusupov, was reportedly suffocated by having a plastic bag put over his head and tortured with electric shocks. Another, Isroil Parpiboyev, said that he was electro-shocked, had cold water poured over him and was left naked in the prison yard in the cold of winter. He alleged that a bottle was forced into his anus and vodka poured on his wounds. No action was taken by the court to investigate whether defendants' statements had been made under duress.

Amnesty International recognizes the responsibility of the government to bring those responsible for such crimes to justice. However, the authorities must ensure that the rights of all suspects and accused are respected and protected. Senior government officials have made statements that undermined the right of all persons charged with a crime to be presumed innocent -- a key element of a fair trial -- where defendants have been labelled "religious extremists." In April 1999, in reaction to acts of violence reportedly by Islamists, President Karimov said: *"I'm prepared to rip off the heads of 200 people, to sacrifice their lives, in order to save peace and calm in the republic."*

At least 19 prisoners were executed after a series of unfair trials following the 1999 Tashkent bombings. Hundreds of suspects and their families, including members of independent Islamist congregations and supporters of banned opposition parties and movements, were arbitrarily detained after the attacks. Death sentences have been handed down on defendants charged with supporting the banned Islamic Movement of Uzbekistan (IMU), an armed group responsible for armed incursions in 1999 and 2000 from outside the

country, and/or with “terrorist” acts. In the trial of two IMU leaders, sentenced to death in their absence, the prosecution reportedly relied on the testimony of convicted prisoners, and state-appointed lawyers put up only a token defence.

### **Blatantly unfair**

In the case of Iskandar Khudoberganov and five others (see above), a diplomat who monitored the trial told Amnesty International: “*It was so blatant. They didn’t even try to pretend the trial was fair.*” Defence lawyers did not have access to their client for about seven weeks when his trial was adjourned in September 2002 for psychiatric examinations. His sister said: “*The judge makes accusations and he shouts at the defendants. Once he announced the next hearing would be at 2 o’clock the next day, but then they already started in the morning. So no lawyers, independent observers or family members of the accused were there.*” She added: “*The lives of the defendants depend on this trial and these two women [the lay assessors<sup>2</sup>] are completely uninterested ... They just sit there and sleep.*” A lay assessor reportedly told the defendant’s lawyer: “*Your efforts are useless. It is clear he is guilty and he will surely be sentenced to death.*”

In at least 19 criminal cases since 1999, death sentences have been overturned. No death sentences are known to have been commuted in cases with a political element.

### **The rush to execution**

Defendants have in many cases been executed shortly after sentencing, particularly in cases with a political element. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has recommended a period of at least six months before a death sentence imposed by a court of first instance can be carried out. Under Uzbek law, no minimum period is specified.

### **Executed within two months**

Sobir Soibbayev was executed on 1 October 1999, less than two months after being sentenced to death for murder and “terrorism” in connection with the 1999 Tashkent bombings. Five co-defendants were probably executed the same day. His family did not receive the death certificate, informing them of the execution, until 21 December.

### **The failings of the clemency process**

The President has the constitutional authority to amnesty or pardon people convicted by the courts. A 1997 law established a Commission on Questions of Clemency (Clemency Commission) to make recommendations to the President. However, Amnesty International

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<sup>2</sup> The trial is presided over by the judge. It is part of the court proceedings that two people known as lay assessors attend and inform the judge of their opinion about the case.

was unable to obtain information on any case where a death sentence was commuted by the President.

The work of the Commission is shrouded in secrecy. The identities of many of the Commission's members are kept secret. Amnesty International is concerned that officials who are not independent of government or who are involved in the prosecution and judgement of the case appear to play a crucial role in the work of the Clemency Commission. The Supreme Court and the General Procuracy make recommendations to the Commission, and the Commission's recommendations to the President require the signatures of the Procurator General, the Chair of the Supreme Court and the Minister of the Interior.

There are no publicly accessible criteria for the Commission's recommendations. Relatives and lawyers are not informed when their case is under review or of the reasons for the rejection or granting of clemency. Many families told Amnesty International that they had never been informed of the Commission's decision.

## Corruption

UN human rights bodies have expressed concern about the lack of independence of the procuracy and judiciary in Uzbekistan. In 1996 the Supreme Court recognized shortcomings in murder verdicts: these included superficial analyses; mistakes in qualifying the crime, determining the appropriate punishment and establishing the role or intention of each defendant; and insufficient reasoning.

A climate of pervasive corruption undermines the fairness of trials, the rule of law and the independence of the judiciary, increasing the likelihood of arbitrary verdicts. One lawyer told Amnesty International: "*First the investigator wants money. Then the family has to bribe the judge of the first trial. If that works, they will have to make sure the sentence will not be overturned upon appeal. Everybody involved in the case wants to get his due.*"

### **'I don't need a house, I need my son.'**

The family of one death row prisoner [identity withheld] sold everything in the hope of saving his life -- his mother's sewing machine, the fridge, even the family home -- to meet the demands of officials. When the judge demanded more money and the family were unable to sell their last possession, their relatives' home in a village, the judge refused their offer of the house itself, demanding cash. Shortly afterwards their imprisoned relative was sentenced to death.

Corruption has so undermined the independence of the judiciary that many relatives put more trust in the effectiveness of bribery than in complaining about violations of due process, employing a lawyer who will mount a vigorous defence, or seeking the assistance of human rights organizations.

## Conditions on death row

All executions are reportedly carried out by shooting in Tashkent prison.

Due to the lack of independent inspections of the prison that could inform the public about prison conditions, it is difficult to establish the facts about conditions on death row. However, on the basis of information available, the conditions fail to meet international human rights standards including the UN Standard Minimum Rules for the Treatment of Prisoners, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the UN Basic Principles for the Treatment of Prisoners.

Prisoners are held in small cells usually occupied by two prisoners, sleeping on wooden bunks. Reportedly, there is a pan or a hole under one of the bunks that serves as a toilet, and a pipe with drinking water. There is little or no natural light. One lawyer reported that cells had dim artificial light, on all the time. The air is said to be stagnant and the ventilation system not working. Families disputed official claims that prisoners are allowed 30 minutes' outdoor exercise daily. Food is insufficient and of poor quality, and families are not allowed to deliver food to death row prisoners.

Death row prisoners' contacts with the outside world are limited and monitored. Correspondence is strictly censored. Death row prisoners are reportedly not allowed visits by a minister of religion, in violation of domestic law and international human rights standards. During visits by families or lawyers, a guard is always present and within hearing, and prisoners fear repercussions if they talk about their treatment and prison conditions. Visitors are separated from the prisoner by glass and not allowed physical contact.

It is not known whether or how death row prisoners are informed if their clemency petition has been rejected. Death row prisoners are reportedly often unsettled and frightened when meeting a visitor because they have not been told why they are being taken from their cell and fear the fate of other prisoners reportedly executed without advance notice. Even when death sentences have been commuted, prisoners have not been informed immediately.

## Punishing the family

The secrecy surrounding the death penalty and the general lack of transparency of the criminal justice system inevitably lead to immense suffering. The UN Special Rapporteur on torture has described the treatment of the family as "*malicious and amounting to cruel and inhuman treatment.*" Some relatives are also targeted by the authorities -- beaten, threatened with rape, held hostage and dismissed from their jobs.

### 'He could be executed at any time'

Family members are not informed of the date of the execution in advance or given a chance to say goodbye to their loved one. When the execution has been carried out, the Criminal-Execution Code requires the court that passed the death sentence to notify close relatives (Article 140) but sets no time limit. In many cases, relatives have not been informed of an execution for weeks or longer. The authorities have often given permission for a visit to the

prisoner only for the family to be told on arrival at the prison that their relative is already dead. In other cases prison guards did not tell relatives the truth.



#### Left to find out for herself

Shura Tulyaganova had received permission for a visit on 24 January 2002 to her 21-year-old son, Refat Tulyaganov, sentenced to death for murder. Prison personnel told her she could not visit because the prisoners were bathing that day. The next day guards told her that he had been executed. After constant appeals to the authorities, she obtained a death certificate in February that revealed the date of execution as 18 January, six days before her visit.

Shura Tulyaganova showing some of the letters she wrote to the Uzbek authorities to urge them not to execute her son. © AI

### The secret grave

After the execution the state refuses to reveal where the body is buried. Article 140 of the Criminal-Execution Code explicitly states that the prisoner's body is not given to the family and that the place of burial is not disclosed. Upon request, family members are entitled to a death certificate, but no time limits are specified. Families have reported not being given a death certificate for months, or never receiving one despite persistent attempts. Tamara Chikunova has searched former cemeteries in and around Tashkent for her son's grave: "*It is one of the worst things for me, that I do not know where Dmitry is buried. If I knew I would at least have a place where I can go with my grief and where I can talk to him.*"



Tamara Chikunova does not know where her son Dmitry is buried. Symbolically, she put up a grave stone for him on a cemetery in Tashkent next to the grave of his grandfather. © AI

Lawyer Polina Braunerg suggested that, for the authorities, it is easier not to allow families to organize burials or funerals and not to inform them where the grave is as they would “*only cause unnecessary hassle... People could stage demonstrations, become hysterical, demand to bury the corpse themselves.*”

Such secrecy provides fertile ground for the circulation of rumours -- for example, that a relative was not executed and is still alive -- heightening relatives’ anguish and uncertainty for the rest of their lives. The impossibility of verifying the rumours gives families no protection from their potentially devastating psychological impact. Some families search for years to find their loved ones.

### **Under pressure**

Relatives have often been held hostage by the police and put under pressure to disclose a suspect’s whereabouts or to make suspects hand themselves in to the police, sign a “confession” or incriminate others. Such pressure appears to have played a crucial role in obtaining the evidence that has led to convictions and death sentences in numerous cases, particularly in the clampdown on dissent in which thousands of political prisoners have been imprisoned. President Karimov has explicitly endorsed the punishment of the relatives of “Islamic fundamentalists.”

#### **A father dies in prison**

On 4 April 1999 Azimboy Khodzhayev, whose sons were suspected of links with “religious extremist” groups and of being trained in “terrorism” abroad, was arrested, reportedly because he refused to disclose the whereabouts of his sons. On 11 June he was sentenced to eight years’ imprisonment after conviction on reportedly fabricated charges of “illegal possession of narcotics.” On 13 July his body was returned to his family from Yaslik prison colony. The death certificate gave his date of death as 2 July. The police did not allow the family to view the body before the funeral. It was widely feared that Azimboy Khodzhayev had been beaten to death. One of his sons, Polvonnazar Khodzhayev, was detained in April 2000 and subsequently sentenced to death and executed (see below).

Relatives of people on death row or human rights defenders have been punished for speaking out.

#### **Human rights defenders threatened**

Police repeatedly visited the 76-year-old mother of Tamara Chikunova, director of Mothers against the Death Penalty and Torture, who is confined to her bed and warned her that “*things would end up very bad for her daughter*” if she did not “*shut up*”. Tamara Chikunova and Dilobar Khudoberganova, a young member of the organization and the sister of death row prisoner Iskander Khudoberganov, also received death threats. Members of the group were reportedly threatened by officers of the Security Services following contributions by the organization at the meeting of the European Bank for Reconstruction and Development in Tashkent in May 2003. They were told for example that their group was “*blacklisted*” and that the Security Services were awaiting orders to “*eliminate*” the organization.

## Destination death row

A number of countries have forcibly deported suspects to Uzbekistan who were later sentenced to death, often following unfair trials accompanied by torture allegations.

Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Turkmenistan have all allowed the forcible deportation back to Uzbekistan of suspects who were subsequently sentenced to death after unfair trials and in some cases torture. At the time of the deportations, all the countries named above apart from Turkmenistan<sup>3</sup> were parties to the UN Convention against Torture, which prohibits returning a person to a state “*where there are substantial grounds for believing that he would be in danger of being subjected to torture*”. State parties are also obliged to take into account information about the “*existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights*.” The Russian Federation has in addition violated its commitments under European regional human rights treaties not to forcibly return anybody at risk of the death penalty and other serious human rights violations if deported.

### Deported to a death sentence

Polzonnazar Khodzhayev was handed over to the authorities of Uzbekistan shortly after his detention in the Russian Federation in April 2000. The Russian newspaper *Nezavisimaya gazeta* (Independent newspaper) reported on 8 April 2000: “*Now the fate of the expert of the explosive business...is in the hands of the organs of justice of Uzbekistan. In his motherland the terrorist can expect a harsh sentence -- the death penalty.*” On 14 May 2000, he was sentenced to death by the Tashkent Regional Court on charges of murder, robbery, attempting to overthrow the state and being trained in “terrorism” after a trial that did not meet international fair trial standards. He was allegedly beaten and given electric shocks in detention. He is believed to have been executed.

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<sup>3</sup> Turkmenistan acceded to the Convention against Torture in June 1999.

## **Recommendations**

### **1) To the authorities of Uzbekistan**

- Take immediate steps towards abolition by promptly imposing a moratorium on all death sentences and executions.
- Commute the sentences of all prisoners currently on death row to terms of imprisonment.
- Implement without delay the recommendations made by the UN Special Rapporteur on torture in his February 2003 report as well as the recommendations made by the (UN) Human Rights Committee and the (UN) Committee against Torture.
- Take leadership in preparing public opinion for the abolition of the death penalty and publish all procedures relating to the death penalty and statistics which would help inform a serious public debate.

### **Transparency and humanity**

- Publish all directives, legislation and annual statistics relevant to the death penalty, and the names and case details of those already executed.
- Investigate and bring to justice those responsible for the torture, ill-treatment and harassment of the relatives of those suspected or convicted of capital offences.
- Ensure relatives of a prisoner under sentence of death are:
  - kept fully informed of: the prisoner's place of imprisonment and, in advance, any transfer; progress of the appeal and petition for clemency; reports presented to the Clemency Commission and the reasoning behind the Commission's recommendation to support or reject the petition; the date and time of execution;
  - allowed to have regular and private meetings with the prisoner, including to say goodbye if the petition for clemency is rejected; and to collect the prisoner's body and personal effects;
- Provide full information to the relatives of prisoners already executed in Uzbekistan the dates and places of execution and burial, and allow them to collect the prisoner's remains and any personal effects.

### **Ensuring fair trial**

- Bring domestic law in line with Uzbekistan's obligations under international human rights treaties, in particular the International Covenant on Civil and Political Rights and the UN Convention against Torture.
- Ensure that allegations of mental disability are investigated promptly and impartially and that people with mental disabilities are not sentenced to death or executed.
- Establish a commission of authoritative, independent experts with the powers to examine thoroughly allegations of torture made by prisoners, and bring to justice in fair proceedings those responsible for torture or ill-treatment.

- Publish objective sentencing criteria on use of the death penalty for the courts.
- Reconstitute the Clemency Commission on an independent basis and ensure that its criteria and operations are transparent and that prisoners and their lawyers have:
  - access to information before the Commission;
  - an opportunity to challenge this information and to make their own presentations; and
  - reasonable time and facilities to challenge any rejection of the petition before the President decides on clemency;
- Ensure compliance with UN Human Rights Committee requests for a stay of execution.

## **2) Recommendations to the international community**

- The Russian Federation government should bring its extradition practices in line with its treaty obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms and Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.
- The authorities of Kazakstan, Kyrgyzstan, Tajikistan and Turkmenistan should bring their extradition practices in line with their treaty obligations under the UN Convention against Torture.
- Other states should urge the Uzbekistan government to implement the recommendations above and ensure that the abolition of the death penalty in Uzbekistan is not impeded by financial constraints.