

AMNESTY INTERNATIONAL UZBEKISTAN: APPEAL CASES

18 November 2003; AI Index: EUR 62/013/2003; public

**Join our campaign
to save the lives of death row prisoners in Uzbekistan**

Current cases:

Evgeny Gugnin, Nodirbek Karimov, Iskandar Khudoberganov and Abror Isayev

Amnesty International believes that Evgeny Gugnin, Iskandar Khudoberganov, Nodirbek Karimov and Abror Isayev are in imminent danger of execution. The United Nations (UN) Human Rights Committee has intervened on their behalf, urging the authorities in Uzbekistan to stay the executions while the Committee examines allegations of human rights violations including torture in their cases. However, the Uzbekistan authorities have in the past shown disregard for such interventions, proceeding with the executions of at least nine men.

Death row prisoners Abror Isayev and Nodirbek Karimov

Abror Isayev and Nodirbek Karimov were sentenced to death by Tashkent Regional Court on 23 December 2002 after being convicted of killing two people in May that year. They are currently on death row in Tashkent prison.

Abror Isayev had gone to the police of his own accord in May 2002 as a potential witness, but was reportedly detained and beaten for a week to make him 'confess' to the crime. He consistently maintained his innocence. His co-defendant Nodirbek Karimov, who admitted involvement in the killing, also alleged that he had been subjected to ill-treatment in pre-trial detention. Two further co-defendants were sentenced to 12 and 20 years' imprisonment respectively.



The authorities have reportedly ignored strong indications that Abror Isayev became mentally disturbed on death row. © Private

There were strong indications that Abror Isayev became mentally disturbed while on death row; the authorities have reportedly ignored these signs, in violation of international standards and domestic law. When his mother visited him in Tashkent prison on 3 April 2003, he was reportedly extremely pale and shivering:

"Abror 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... When I visited him again in May I knocked at the glass screen between us and dangled a thread in front of his eyes, but his eyes did not follow. I said 'It is mama', but he did not recognize me. He was humming and had his eyes fixed on the ceiling."

Guards told her that Abror Isayev had not spoken to anyone for two weeks. When she urged a prison doctor to treat him, he reportedly said that her son was just pretending. Following complaints to the authorities, Abror Isayev's mother received a reply from Erkin Kamilov, the director of Tashkent prison, where death row prisoners are held. He wrote: *"At the moment he does not speak, he whistles all the time and wants to explain something by doing so. [However], he understands the questions being asked of him."* In June 2003 a Ministry of

Interior official wrote to the family: *“Your son receives medical treatment and his state of health is satisfactory.”* On 1 July she found that her son could hardly move and thought that his mental health had deteriorated: *“He cried like a baby and wanted to be hugged and sit on my lap. I tried to sing lullabies to him to calm him down.”* Several senior officials were present, who did not introduce themselves, she said. *“I think they were supposed to assess Abror’s state of health, but instead they stood around, making fun of him.”*

Death row prisoner Iskandar Khudoberganov



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

Iskandar Khudoberganov and five co-defendants were brought to trial in August 2002 before Tashkent City Court on charges of “attempting to overthrow the constitutional order” and “setting up an illegal group”. Iskandar Khudoberganov was additionally charged with the capital offences of “premeditated, aggravated murder” and “terrorism”, accused of receiving military training in Chechnya (in the Russian Federation) and Tajikistan aimed at overthrowing the Uzbek government. He and co-defendants Bekzod Kasymbekov and Nosirkhon Khakimov told the court that they had been tortured and ill-treated. Iskandar Khudoberganov said that guards tore up several written complaints, including of torture, that he tried to lodge in pre-trial detention. One prosecution witness, Farkhad Kadyrkulov, retracted in court a statement made earlier to the police on the grounds that he had been put under pressure to make false statements. The judge reportedly dismissed all allegations of torture and ill-treatment, accusing the defendants of “making up” the allegations to “get away from criminal responsibility”.

The six accused were convicted on 28 November 2002, primarily on the basis of statements reportedly extracted under torture. Iskandar Khudoberganov was sentenced to death and his five co-defendants received prison terms of between six and 16 years. Appeals against the sentences were turned down by the Presidium of Tashkent City Court and the Supreme Court.

Iskandar Khudoberganov had been detained in Tajikistan and handed over to Uzbek law enforcement officers on 5 February 2002 on suspicion of involvement in bomb explosions in Tashkent in February 1999. On 12 February 2002 he was reportedly transferred from the Ministry of Internal Affairs to the headquarters of the National Security Service in Tashkent. His family was notified of his detention by a state-appointed lawyer only on 18 March 2002, and was allowed to visit him for the first time on 5 April. He reported in a letter smuggled to his family that he had been tortured and given drugs against his will:

“They tortured me to force me to ‘confess’ to all the charges they have come up with. If I had not signed the ‘confession’ in the end, I would not be alive anymore. Everything inside me feels smashed... 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... they did not give me food, to force me to confess. 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... I hoped for a fair trial and because of that endured all sufferings and torture.”

Death row prisoner Evgeny Gugin

On 28 October 2002, Tashkent City Court sentenced Evgeny Gugin and his co-defendant Ilkhom Karimov from the town of Kokand in Ferghana valley to death. They were accused of having robbed and killed a woman and a man at their flat in the capital Tashkent in April 2002. A co-defendant was sentenced to 20 years' imprisonment in a strict regime colony. Following a court decision, Ilkhom Karimov's death sentence was reversed in February or March 2003. The courts have turned down all appeals against Evgeny Gugin's death sentence. Tamara Chikunova, chair of the human rights organization Mothers against the Death Penalty and Torture, told Amnesty International: *"In pre-trial detention Gugin and Karimov were severely beaten by law enforcement officers."* She added: *"Gugin only confessed because the officers threatened to kill his mother and younger brother."*



Evgeny Gugin could be executed at any time. There were reports that he was ill-treated in pre-trial detention.
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BACKGROUND INFORMATION

Scores of people are executed every year after unfair trials in Uzbekistan. Many of them were tortured. 'Confessions' extracted under torture are routinely used as evidence in trials. The (UN) Special Rapporteur on torture who visited Uzbekistan in November and December 2002 stated in his report that *"The abolition of the death penalty [in Uzbekistan] would be a positive step towards respect for the prohibition of torture and other forms of ill-treatment."* Corruption is an integral part of the investigation, trial and appeal in many death penalty cases. The retention of the death penalty in Uzbekistan provides the ground for the worst and most fatal consequences of Uzbekistan's flawed criminal justice system.

The government of Uzbekistan has shown contempt for its voluntarily made legally binding commitments as a party to the Optional Protocol to the International Covenant on Civil and Political Rights, proceeding with the executions of at least nine men while their cases were still under consideration by the (UN) Human Rights Committee.

Executions take place in secret in Uzbekistan and family members and friends are denied the chance to say goodbye to the prisoner. In many cases family members do not know for months, sometimes even years, whether their relative is alive or has been executed. They are not informed where their loved one is buried and therefore do not even have a location over which to grieve. Many search for years in the hope of finding the grave. The (UN) Special Rapporteur on torture has described their treatment as *"malicious and amounting to cruel and inhuman treatment"*.

Relatives of suspects in capital cases have also been targeted by officials. They have been taken hostage to secure the arrest of the accused, tortured, beaten, or threatened with rape. Corrupt practices by officials have resulted in many being dismissed from their jobs, losing all their property or being bankrupted.

The Human Rights Ombudsperson of Uzbekistan, Sayora Rashidova, informed Amnesty International in 1998 that the government was following a policy of abolishing the death penalty by stages. The number of articles in the Criminal Code that carry the death penalty were reduced from over 30 at the time of independence from the Soviet Union in 1991 to currently four. However, in violation of international commitments, the authorities have persistently failed to publish comprehensive statistics on the practice of the death penalty in the country and it is therefore impossible to establish whether the reduction of articles has had any impact on the actual number of death verdicts. Some local non-governmental sources believe that hundreds may await execution each year.

RECOMMENDED ACTION:

Send politely worded faxes/telegrams/airmail letters in English, Russian, Uzbek or your own language (note that it can be difficult getting through to fax numbers in Uzbekistan. If a voice answers repeat 'fax' until connected; if it does not work, please post your letter).

- Urge the President to use his constitutional authority to commute the death sentences passed on **Evgeny Gugin, Iskandar Khudoberganov, Nodirbek Karimov and Abror Isayev**, as well as all other death sentences that come before him.
- Remind the authorities that the United Nations Human Rights Committee has intervened in these cases, urging the authorities of Uzbekistan to put their executions on hold while the cases are under consideration by the Committee.
- Express concern at allegations that the men were tortured or ill-treated in detention; urge the authorities to open prompt and impartial investigations into these allegations with those found responsible brought to justice.
- Express concern at allegations that **Abror Isayev** became mentally disturbed on death row; remind the authorities that the execution of the mentally disturbed violates international customary law as well as Uzbek domestic law.
- Express your deep concern about the death penalty in Uzbekistan and about human rights violations surrounding its application, e.g. torture, unfair trials, corruption, and the cruel and inhuman treatment of family members.
- Urge the authorities to take immediate steps towards abolition by promptly imposing a moratorium on all death sentences and executions.
- Express sympathy for the victims of crime and their families, but point 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.

Whom to write

1) President Islam Karimov:

Respublika Uzbekistan; 700163 g. Tashkent; ul. Uzbekistanskaya, 43; Rezidentsiya prezidenta; Prezidentu Respubliki Uzbekistan; KARIMOVU I.A.; UZBEKISTAN; **Salutation:** Dear President,

2) Foreign Minister Sadik Safoyev:

Respublika Uzbekistan; 700029 g. Tashkent; pl. Mustakillik, 5; Ministerstvo inostrannykh del Respubliki Uzbekistan; Ministru SAFOYEVU S.S.; UZBEKISTAN; **Salutation:** Dear Minister; **Fax:** +998 - 71 - 139 15 17

3) Minister of Internal Affairs Zakirzhan Almatov:

Respublika Uzbekistan; 700029 g. Tashkent; ul. Novruz , 1; Ministerstvo vnutrennikh del Respubliki Uzbekistan; Ministru ALMATOVU Z.A.; UZBEKISTAN; **Salutation:** Dear Minister,

Send copies of your letters to:

4) the Ambassador of Uzbekistan to your country (if there is one)

5) Ombudsperson for Human Rights: Sayora RASHIDOVA (Ms); ul. Xalqlar Do'stligi, 1; Oliy Majlis Respubliki Uzbekistan; Upolnomochennoy po pravam cheloveka pri Oliy Majlis; RASHIDOVOY S.; UZBEKISTAN; **Fax:** + 998 - 71 - 139 85 55; **E-mail:** Office@ombudsman.gov.uz

PLEASE SEND ANY REPLIES FROM THE UZBEK AUTHORITIES AS SOON AS POSSIBLE TO THE INTERNATIONAL SECRETARIAT OF AMNESTY INTERNATIONAL. (South Caucasus and Central Asia Research and Campaign Team; Amnesty International; 1 Easton Street; London WC1 X ODW; United Kingdom)