

# AMNESTY INTERNATIONAL KYRGYZSTAN: APPEAL CASES

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## *Uighurs sentenced to death in Kyrgyzstan may risk being sent back to China*

Ethnic Uighurs Askar Tokhti, Bakhramzhan Elimov, Ali Mansumu, Akhmet Gyunan, and ethnic Karachai, Nazar Chotchayev were detained after four people died on 30 May and 1 June 1998 as a result of explosions in the Kyrgyz town of Osh near the Kyrgyz-Uzbek border. The devices for the explosives had allegedly been planted in the interior of a minibus.

Chinese citizens Askar Tokhti, Bakhramzhan Elimov and Ali Mansumu, Turkish citizen Akhmet Gyunan and citizen of the Russian Federation, Nazar Chotchayev, were arrested on 25 August 1998 in the city of Almaty in Kazakhstan under charges of "illegal possession of firearms". Kyrgyzstan authorities suspected the detained men of involvement in the Osh bombings and demanded their extradition. In February 1999 they were deported to Kyrgyzstan.

On 3 May 2000 the men stood trial at Osh City Court. The court sentenced them to high prison terms ranging from 16 to 22 years. The five were accused of "premeditated, aggravated murder", "setting up a criminal organization" and "terrorism". The men reportedly affirmed they were innocent and had been beaten by law enforcement officers while in pre-trial detention in order to extract a confession. On 3 August 2000, when dealing with their appeal, Osh Regional Court annulled the verdict for lack of evidence. The criminal case was ordered to be further investigated. In January 2001 the Supreme Court of Kyrgyzstan reportedly annulled the decisions of both courts and ordered Osh Regional Court to review the case.

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<sup>1</sup> Please use this "Appeal Case" sheet as the basis for your letter-writing until further notice.

Askar Tokhti, Bakhramzhan Elimov, Akhmet Gyunan and Nazar Chotchayev were sentenced to death by Osh Regional Court on 12 March 2001. Ali Mansumu was sentenced to 25 years' imprisonment. In view of a moratorium on executions decreed in November 2000 the men are not in immediate danger of being executed in Kyrgyzstan. However, there is a danger that China might request the extradition of the Chinese nationals which would mean that they would be in immediate danger of torture and execution.

On 22 March 2001 their lawyer reportedly appealed against the verdicts to the Supreme Court of Kyrgyzstan. It is unknown to Amnesty International when the Supreme Court is going to deal with the appeal.

Supporters of the men claim that they were sentenced to punish them for their ethnic origin and that they had nothing to do with the bombings in Osh.

## **BACKGROUND INFORMATION**

**Uighurs** are Turkic people who are predominantly Muslim. They are the largest indigenous group living in the Xinjiang Uighur Autonomous Region (XUAR), northwest China; a smaller number live in Central Asia. **Karachai** are a Turkic-speaking, Muslim people from the Caucasus.

The ethnic Uighur population in Central Asia finds itself more and more accused of sympathizing with, and even supporting, the banned Islamic opposition movements in Central Asia and therefore often become targets of persecution by the authorities.

China has been putting increasing political and economic pressure on some Central Asian republics, such as Kazakhstan and Kyrgyzstan, and has sought assurances from them that they would help to arrest and deport what the Chinese authorities call "ethnic separatists" in the XUAR, who seek independence from China.

*In January 2001 China and Kyrgyzstan signed an agreement of cooperation, including mutual extradition of "criminals hiding on their territories". In view of the moratorium on death sentences the men are not in immediate danger of being executed in Kyrgyzstan. However, there is a danger that China might request the extradition of the Chinese nationals which would mean that they would be in immediate danger of torture and execution.*

### **MORATORIUM ON THE DEATH PENALTY IN KYRGYZSTAN**

*On 14 November 2000 Askar Akayev, the President of Kyrgyzstan, decreed that the moratorium on executions that had been in place since 1998 be extended for another year till December 2001. He had declared the moratorium in December 1998 in honour of the 50th anniversary of the Universal Declaration of Human Rights (UDHR).*

*The moratorium is only on executions and it is therefore possible that in December 2001 all those who are currently waiting on death row could be executed.*

*Apart from the uncertainty about the fate of those who are on death row now, new death sentences are still being handed down, and appeals for clemency by the President can be turned down.*

*This makes it all the more important to use the time until December 2001 in order to press the authorities to move towards full abolition of the death penalty in Kyrgyzstan and commute the death sentences of those on death row.*

### **AMNESTY INTERNATIONAL IS URGING THE KYRGYZ AUTHORITIES TO:**

- guarantee that those currently on death row and those who will be sentenced to death while the moratorium is in place will not face execution;*
- ensure that Askar Tokhti, Bakhramzhan Elimov and Ali Mansumu are not returned to China where they may face torture or execution;*

- *move further towards abolition of the death penalty and to prepare legislation as soon as possible on removing the death penalty completely as a possible punishment from the Criminal Code and Constitution;*
- *sign the second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), the first international instrument aimed at abolition of the death penalty.*

**Write politely worded letters in English, Russian, Kyrgyz or your own language, to the President of the Kyrgyz Republic, the Head of the Clemency Commission, the Speaker of the Legislative Assembly and the Minister of Foreign Affairs:**

**President of the Kyrgyz Republic**

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**Head of the Clemency Commission in the President's Office**

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**Speaker of the Legislative Assembly (the upper house of parliament; Myizam Chygaru Palatasy)**

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**Minister of Foreign Affairs of the Kyrgyz Republic**

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Send copies of your letters to:

- the Ambassador of the Kyrgyz Republic in your country (if there is one)

**PLEASE SEND ANY REPLIES FROM THE KYRGYZ 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**