

EXTRA 41/01

Fea.

Nikolay Ganiyev (aged 22)**Maksim Strakhov (aged 24) and Nigmatullo Fayzullayev (aged 26)****UZBEKISTAN**

Nikolay Ganiyev, Maksim Strakhov and Nigmatullo Fayzullayev are in imminent danger of execution. Their only hope is that the president grants clemency.

Nikolay Ganiyev was sentenced to death on 29 March 2001 by Tashkent City Court for premeditated aggravated murder. The Appeals Board of Tashkent City Court turned down his appeal against the sentence on 1 June.

In a separate case, Nigmatullo Fayzullayev and Maksim Strakhov were sentenced to death by Tashkent City Court on 18 April 2001 for premeditated aggravated murder. The Appeals Board of Tashkent City Court upheld their death sentences on 29 May 2001.

According to Nikolay Ganiyev's mother, on 1 August 2000 her son was summoned to a local district office of the Ministry of Internal Affairs (MVD) in Tashkent to be questioned as a witness about the murder of one of his female acquaintances. When he failed to return home that night she went looking for him and found him in the MVD office the next day: "I saw him handcuffed and he was hardly able to walk. It was obvious that they had beaten him." In a letter to his family, which he managed to give to his mother at his trial, Nikolay Ganiyev wrote: "I wouldn't have thought our police capable of inflicting such humiliation. They beat me severely." Nikolay Ganiyev confessed to the murder, but denied that it was premeditated.

Nikolay Ganiyev's mother said she had been trying to talk to the authorities, to appeal for clemency for her son: "They close their doors in front of me; they didn't let me or the lawyer speak at the trial; they build up a big wall around themselves so that no one can reach them."

Maksim Strakhov's mother reported that when her son was arrested on 2 October 2000, he was severely beaten by law enforcement officers for more than three days. "They made me run the gauntlet", wrote Maksim Strakhov in a letter to his mother. "As a result of ill-treatment the right half of his face is still aching," his mother said. According to her, his lawyer never had a meeting with his client without the investigator being present.

Maksim Strakhov wrote in a letter to his mother: "I am a murderer, but I didn't want to kill anyone. I lost my mind. It frightens me, that I don't remember how it happened." Maksim Strakhov reportedly previously received psychiatric treatment for post-traumatic stress symptoms after military service in Chechnya. According to his lawyer, he was thought to be at risk of suicide during the pre-trial investigation, but the court of first instance and the Appeal Board failed to take either into account when reaching their verdict.

BACKGROUND INFORMATION

Uzbekistan retains the death penalty for eight offences, including premeditated, aggravated murder. In 1998, the *Oliy Majlis* (parliament) removed the death penalty from the criminal code for five other offences. The Parliamentary Commissioner for Human Rights in Uzbekistan, Sayora Rashidova, told Amnesty International in 1998 that this development was part of

Uzbekistan's policy to "abolish the death penalty by stages". However, Amnesty International is aware of no other steps in this direction since then and continues to hear of many new death sentences.

Information on the death penalty is regarded a state secret in Uzbekistan, and comprehensive statistics on death sentences and executions are not made public. Families often do not know whether their relative is still alive; where the execution takes place or where the body is buried.

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

- urging the President to use his constitutional authority to commute these death sentences as well as all other death sentences that come before him;
- expressing concern at allegations that Nikolay Ganiyev and Maksim Strakhov were ill-treated in detention and asking the authorities to launch an independent and impartial investigation into these allegations;
- expressing sympathy for the victims of crime and their families, but pointing 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;
- urging the authorities to impose a moratorium on death sentences and executions, in line with the international trend towards abolition of the death penalty and the statement from the Parliamentary Commissioner for Human Rights.

APPEALS TO: (Please note that fax numbers are difficult to obtain. If a voice answers during office hours, repeat 'fax' until connected; fax machines may be switched off outside office hours -five hours ahead of GMT):

President of the Republic of Uzbekistan

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Salutation: Dear President Karimov

Head of the Clemency Department at the President's Office

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Otdel po voprosam pomilovaniya
Zaveduyushchemu otdelom
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Telegrams: Akhmanovu N., Otdel pomilovaniya, 700000 Tashkent, Uzbekistan

Salutation: Dear Mr Akhmanov

COPIES TO:

Oliy Majlis Commissioner for Human Rights
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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 2 August 2001