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EXTERNAL

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Sapar BALTABAYEV

Kazakhstan

The information currently available on this case comes from a news bulletin on Kazakh Television on 17 January 1995, which reports that Sapar Baltabayev was sentenced to death in the first quarter of 1994 (the exact date is not known) by the Dzhezkazgan Regional Court. He was convicted under Article 88 of the Kazakhstan Criminal Code of the murder of the deputy head of Dzhezkagan town administration and the deputy head of the town's healthcare department. His accomplice was sentenced to 12 years' imprisonment. It is not known whether Sapar Baltabayev's appeal against his death sentence has already been heard by the Supreme Court of the Republic of Kazakhstan.

Sapar Baltabayev is the former head doctor of the Dzhezkazgan Regional Mental Hospital.

Amnesty International opposes the death penalty in all cases and without reservation, on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights. Amnesty International is appealing to the authorities in the Republic of Kazakhstan to commute the death sentence passed on Sapar Baltabayev.

Background information

The Kazakhstan Criminal Code retains the death penalty for 18 offences in peacetime. However, senior officials at the Kazakhstan Ministry of Justice informed Amnesty International in April 1992 that no one has been executed for economic crimes in the past 10 years. Statistics shown to Amnesty International revealed that between 1987 and 1991 the death penalty had been applied for only four offences: murder under aggravating circumstances, rape, threatening the life of a police officer, and banditry. These statistics indicated that between 1987 and 1990 a total of 165 people received death sentences, but at least 41 of them benefited from commutation or pardon. In 1991, 67 death sentences were passed, at least 26 of which were subsequently commuted. Official statistics for 1992 have not been available to Amnesty International, but the organization has received reports of six death sentences being passed and six executions carried out during that year. Execution is by shooting.

Although there is discussion about the introduction of a jury system, capital cases are currently tried by a bench comprising a judge and four "people's assessors", who are without legal training. A defence lawyer must assist in capital cases. Prisoners can appeal against the verdict or sentence to the next highest court within seven days of receiving a written copy of the judgment. As their cases are heard at a higher level at first instance, however, prisoners under sentence of death have fewer

opportunities to appeal than many other prisoners.

Death sentences may also be reduced by a judicial review. Under this procedure a higher court re-examines the case after it has received a protest against the judgment of the court of first instance or the court of appeal. Although death sentences are suspended pending appeal, they may still be carried out before a judicial review has been completed. If these remedies fail, prisoners under sentence of death can petition for clemency, which may be granted by the President of the Republic of Kazakhstan. Following the break-up of the USSR such prisoners no longer have the opportunity for a judicial review or petition to be considered by the federal USSR authorities, and have thereby lost a possible final avenue for commutation. Prior to this, legal authorities estimated that it could take some two years for a death penalty case to reach resolution.