

Uzbekistan: Amnesty International's concerns



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Briefing for parliamentarians attending the 5th meeting of the EU – Uzbekistan Parliamentary Cooperation Committee on 10 and 11 March 2004

The Uzbek authorities have continued to flout their international and national obligations on human rights, failing to adequately address an appalling human rights situation which has included official repression of dissent in civil, religious and political life.

For an overview of Amnesty International's (AI) current concerns in Uzbekistan, please refer to entries on Uzbekistan from AI's bi-annual report (attached). This briefing concentrates on AI's current focus area – the death penalty and human rights violations surrounding its application.

THE DEATH PENALTY IN UZBEKISTAN: SECRET AND PRONE TO JUDICIAL ERROR

Cases involving the death penalty highlight the most fatal consequences of the flawed criminal justice system in Uzbekistan. 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 government has proceeded with the executions of at least nine men while their cases were still under consideration by the (United Nations) Human Rights Committee.

The death penalty has played an important role in the clampdown on "religious extremism" in Uzbekistan. Since 1998 at least 39 -- and possibly many more -- death sentences have been passed on people who were accused of having committed capital crimes and labelled "religious extremists".

The plight of the family members

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 themselves have also been targeted -- taken hostage, tortured, beaten and threatened.

Secret statistics

The authorities have kept statistics on the death penalty secret. AI has recorded the cases of 160 prisoners sentenced to death since the beginning of 1999. However, this number is believed to be only a fraction of all cases as it is very likely that most death row prisoners and their families do not have access to individuals or organizations that will record, disseminate information about or take action on their case. In September 2001 President Islam Karimov publicly stated that around 100 people were executed in Uzbekistan each year. Calculations of anti-death penalty activists in Uzbekistan suggest that hundreds may be awaiting execution every year.

Freedom of expression curtailed

In many instances anti-death penalty activists have been harassed if they complained or protested publicly. In December 2003 a death penalty conference organized by the non-

governmental (NGO) Mothers against the Death Penalty and Torture was stopped by the authorities on the pretext that the NGO was not registered. The group had repeatedly tried to register, but has – like many other independent human rights NGOs – so far been denied registration by the authorities.

Government response to international pressure

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. For example, at least 11 death sentences have in the past three-and-a-half years been reversed to prison terms following local and international expressions of concern. In a recent move in December 2003 parliament passed a law reducing the number of articles in the Criminal Code of Uzbekistan punishable by death from four to two. However, the law had reportedly not come into force by the time of writing. The two articles that were dropped – “genocide” and “initiating or waging of an aggressive war” – had not been in use.

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 systematically reform domestic law and institutions and to bring them in line with the country’s obligations under international human rights standards.

Trend towards abolition in Central Asia

Apart from Uzbekistan, the only state from the former Soviet Union in Central Asia which executes people is Tajikistan. Turkmenistan abolished the death penalty in 1999. Kyrgyzstan has had a moratorium on executions in place since 1998. However, death sentences have continued to be imposed and currently at least 160 are believed to be on death row in extremely harsh prison conditions. Kazakhstan introduced a moratorium on executions in December 2003.

RECOMMENDATIONS

The authorities of Uzbekistan should:

- **promptly introduce a moratorium** on death sentences and executions and commute all pending death sentences;
- **end the secrecy** surrounding the practice of the death penalty in Uzbekistan; make publicly accessible comprehensive statistics; **ensure that relatives of prisoners under sentence of death are treated humanely**, including by keeping them fully informed about every stage in the proceedings, about the prisoner’s whereabouts, and about the date of execution with advance notice; ensure that they can meet the prisoner regularly and frequently in private meetings at all stages after the death sentence has been passed; relatives should be allowed to collect the prisoner’s body and personal effects, and to bury the body;
- **disclose the location of the graves** of Dmitry Chikunov, Muzaffar Mirzaev, Refat Tulyaganov, and Azamat Uteev as a first step in the right direction;
- ensure that all those charged with capital offences receive a **fair trial**, including that they have regular access to an independent lawyer and that the defendant is presumed innocent unless his guilt is proven; examine all allegations of **torture** made by prisoners charged with a capital offence; make the results of the investigation public and bring those reasonably suspected to be responsible to justice; ensure that no testimony extracted under duress is used as evidence in court.
- **register the NGO Mothers against the Death Penalty and Torture** and enable the organization to function without limiting their internationally recognized right to freedom of expression and assembly.

Materials enclosed:

- Entry on Uzbekistan from AI's bi-annual report *Concerns in Europe and Central Asia* covering January to June 2003 (AI Index: EUR 01/016/2003) [The entry covering July to December 2003 will be made available to you in due course];
- AI's report "*Justice only in heaven*" – *the death penalty in Uzbekistan* (AI Index: EUR 62/011/2003) and the summary of the report entitled *Uzbekistan: Unfair trials and secret executions* (AI Index: EUR 62/012/2003);
- Examples of people currently on death row: *Appeal Case sheet* (AI Index: EUR 62/013/2003).