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Commonwealth of Independent States: Positive trend on the abolition of the death penalty but more needs to be done

In recent decades, the world has made steady progress towards the complete eradication of the death penalty. One hundred and twenty-nine countries no longer use the death penalty in law or in practice. In 2005, only 23 of the world's countries actually carried out executions.

On 28 November the meeting of the heads of the states in the Commonwealth of Independent States (CIS), which celebrates its fifteenth anniversary this year, takes place in Minsk, Belarus. On the eve of the meeting Amnesty International calls on the heads of CIS states to put the issue of the abolition of the death penalty high on their agenda and to do all within their power to make the region a death penalty – free zone.

The organization greatly welcomes the significant progress already made by CIS countries to this end. All current member-states of CIS -- **Armenia, Azerbaijan, Belarus, Georgia, Kazakstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine** and **Uzbekistan** -- retained the death penalty when the Commonwealth was founded in 1991. By the end of November 2006 seven countries have abolished the death penalty in law and practice; three countries -- **Kazakstan, Russia** and **Tajikistan** -- have moratoria in law or practice. **Belarus** and **Uzbekistan** are the only two remaining countries in the Commonwealth and also in the wider Europe and Central Asia region that still continue to apply the death penalty both in law and practice.

However, **Uzbekistan** has committed itself to abolish the death penalty. In August 2005 the Uzbekistani President Karimov issued a decree abolishing the death penalty from January 2008. In June 2006 the President also established a working group tasked among other things with preparing draft legislation replacing the death penalty with life imprisonment. Allowing increased public debate on the death penalty issue, involving independent non-governmental organizations (NGOs), was another important step made by the authorities in the past two years. Amnesty International welcomes the government's commitment to abolish the death penalty but remain concerned that scores of people may be sentenced to death in unfair trials and some may be executed before January 2008. The organization urges the authorities to promptly commute all death sentences and introduce a moratorium on death sentences.

On 9 November 2006 **Kyrgyzstan**, considered to be abolitionist in practice, adopted a new constitution in which provisions for the use of the death penalty were removed, thus abolishing the death penalty in the constitution. There have been no executions in the country since the first moratorium on executions was put in place in 1998. Amnesty International calls

on Kyrgyzstan to bring remaining domestic legislation in line with the new constitution; promptly commute all existing death sentences to terms of imprisonment; and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Second Optional Protocol) thereby committing the government to the abolition of the death penalty.

In June 2006, the **Moldovan** parliament voted unanimously to remove provisions of the Constitution which provided for the death penalty in exceptional cases, thus abolishing the death penalty in law. One month later Moldova ratified the Second Optional Protocol.

The authorities of the CIS need to provide their populations with human rights based leadership and actively educate people about the death penalty. To date, this has been lacking in the region. The municipal authority of the **Georgian** city of Batumi was the first in the CIS region to initiate and carry out a public campaign against the death penalty in November 2005 (for more information, see AI Index: ACT 50/018/2005).

All countries in the CIS who are members of the UN and/or the Council of Europe are entitled to become parties to treaties provided by these bodies that stipulate the abolition of the death penalty. Moreover, **Azerbaijan, Russia** and **Ukraine** became UN Human Rights Council members in May this year and are obliged to uphold the highest standards in the promotion and protection of human rights.

Already four CIS countries -- **Azerbaijan, Georgia, Moldova** and **Turkmenistan** -- have ratified the Second Optional Protocol. Amnesty International urges abolitionist **Armenia** and **Ukraine** to ratify this Protocol and it also urges **Azerbaijan** to withdraw its reservation it made under the Protocol.

Abandonment of the death penalty is one of the key membership requirements of the Council of Europe. **Russia** is the only country of all 46 members of the Council of Europe that has still not fulfilled its promise to abolish the death penalty that it made when joining the organization. Amnesty International notes that on 15 November 2006 the Russian State Duma adopted a measure which effectively extends the moratorium on death sentences until 2010 but urges the complete abolition of the death penalty as soon as practically possible.

Apart from **Belarus** and **Russia**, the internationally unrecognized regions of **Abkhazia**, the **Dnestr Moldavian Republic** and **South Ossetia** are currently the only territories in the Council of Europe region that have not abolished the death penalty. The Council of Europe stated that "the death penalty should be abolished in these territories".

The Council of Europe welcomed the fact that, less than four years after Protocol No. 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms on the abolition of the death penalty in all circumstances was opened for signature, it has already been ratified by 36 of the 46 Council of Europe member states and signed by a further eight. Only **Azerbaijan** and **Russia** have not yet signed it.

The organization urges all CIS governments to promptly implement the recommendations outlined in the OSCE document *The Death Penalty in the OSCE Area. Background Paper 2006*, October 2006. As member states of the OSCE all CIS countries have committed themselves to keep the question of abolition under consideration.

Finally, Amnesty International calls on the authorities in the CIS region to build on the progress achieved and address the following remaining concerns:

Prisoners on death row in a continued state of uncertainty

Belarus, Kazakstan, Kyrgyzstan, Uzbekistan and the internationally unrecognized territories of **Abkhazia** and the **Dnestr Moldavian Republic** have reportedly continued to

sentence people to death. Amnesty International calls upon them to stop issuing new death sentences.

There are currently over 160 prisoners on death row in **Kyrgyzstan** and reportedly 28 in **Kazakhstan**. According to official statistics provided by the Justice Ministry of Kyrgyzstan to the OSCE, six individuals were sentenced to death during the period from 30 June 2005 to 30 June 2006. In Kazakhstan, at least one new death sentence was issued in 2006.

According to NGO sources, there are dozens of prisoners kept on death row in **Uzbekistan** with at least 25 in Tashkent prison. Reportedly, at least 11 people were sentenced to death between 1 January and 9 November 2005. The authorities of Uzbekistan do not disclose statistics on the death penalty and therefore it is impossible to establish precise information about the number of people on death row. Amnesty International calls upon the authorities to end the official secrecy around use of the death penalty in line with the recommendations of the UN Special Rapporteur on arbitrary, summary and extrajudicial executions.

There are strong indications that in **Abkhazia**, which is believed to maintain a de-facto moratorium on executions, there are at least two death row prisoners. **Belarus** has reportedly issued at least five new death sentences in the first half of 2006.

The Council of Europe has requested **Azerbaijan** to clarify the situation of the prisoners sentenced to death prior to the abolition of capital punishment in 1998, whose sentences have apparently still not been commuted and who therefore continue to be held on death row.

Amnesty International urges the authorities in the region to commute the sentences of all prisoners currently on death row to terms of imprisonment. Such practice would put an end to the cruel and inhuman treatment of those who have been kept on death row for years in a state of uncertainty as to their ultimate fate.

Prison conditions on death row

Amnesty international is concerned that the conditions on death row in the region fall far short of international standards. Prisoners are believed to have been kept in very harsh prison conditions for many years. Such a situation amounts to cruel, inhuman and degrading treatment. The organization urges the authorities in the region to bring the prison conditions on death row into line with international standards.

In **Belarus**, for example, death row prisoners are not entitled to any exercise in fresh air and electric lighting is on day and night. In the unrecognized region of **Abkhazia**, at least two prisoners under death sentence were reportedly kept in dimly lit and poorly ventilated cells.

Many people have been on death row in **Kyrgyzstan** since the introduction of a moratorium on executions in 1998 under conditions that are widely agreed – by the Ombudsman, NGOs and some government officials – to be harsh. In a newspaper interview in January 2006, the former head of the prison system said that 73 death row inmates had died since the introduction of the moratorium, the majority of them from tuberculosis (TB), harsh prison conditions and suicide.

Amnesty International is concerned for the health of prisoners on death row in Tashkent prison in **Uzbekistan** and prison staff who are at risk of TB, and calls for appropriate medical treatment and improved prison conditions. According to the NGO Mothers against the Death Penalty and Torture, out of at least 25 people held on death row in Tashkent, 20 were reportedly suffering from TB. Reportedly few medicines, including appropriate treatment for TB, are available. Starting from 2005 the authorities allowed

prisoners indoor walks of 20-30 minutes daily in summer and twice or three times a week in winter. NGO sources reported that food is of low quality and families are not allowed to deliver food or items of personal hygiene to death row prisoners. The morning meal reportedly consists of bread and boiled water, lunch consists of soup or cabbage and the evening meal of porridge. Those suffering from TB may receive some additional food.

Secrecy surrounding the death penalty

In many countries in the region, the abolitionist measures did not include the full disclosure of death penalty information to the public and affected families. The failure to do so contravenes international commitments and international legal standards or resolutions of inter-governmental bodies.

For instance, in resolution 1989/64, adopted on 24 May 1989, the UN Economic and Social Council urged "Member States to publish, for each category of offence for which the death penalty is authorized, and if possible on an annual basis, information about the use of the death penalty, including the number of persons sentenced to death, the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency has been granted, and to include information on the extent to which the safeguards referred to above are incorporated in national law."

In another resolution 2005/59, adopted on 20 April 2005, the UN Commission on Human Rights called upon all states that still maintain the death penalty: "to make available to the public information with regard to the imposition of the death penalty and to any scheduled execution" (UN document No E/CN.4/2005/59, 20 April 2005).

In addition, the document dated 29 June 1990 of the 1990 Copenhagen Meeting of the Conference of the Human Dimension of the OSCE states that: "The Participating States ... will make available to the public information regarding the use of the death penalty."

Amnesty International urges the authorities in the region to disclose information related to the application of the death penalty and also ensure that the relatives of prisoners already executed receive full access to information including the dates and places of execution and burial and are allowed to collect the prisoner's remains and any personal effects.

See also:

For more information about the international events in this month, please see website of Community of Sant'Egidio - <http://www.santegidio.org>

Amnesty International's statement, *Light a City for Life* (AI Index: ACT 50/018/2005)

<http://web.amnesty.org/library/index/engact500182005>

Amnesty International's statement, *Moldova: Abolishes the death penalty in law* (AI Index:

EUR 59/006/2006) <http://web.amnesty.org/library/Index/ENGEUR590062006>

Amnesty International's report, *Uzbekistan: Questions of life and death cannot wait until 2008*

(AI Index: EUR 62/020/2005) <http://web.amnesty.org/library/index/engeur620202005>

Amnesty International's Public Appeal, *Deadly Secrets: A Heritage from the Soviet Union* (AI

Index: EUR 04/011/2004) <http://web.amnesty.org/library/index/engeur040112004>

Amnesty International's report, *Belarus and Uzbekistan: the last executioners - The trend towards abolition in the former Soviet space* (AI Index: EUR 04/009/2004)

<http://web.amnesty.org/library/index/engeur040092004>