

EXTERNAL

AI Index: EUR 57/03/97

27 January 1997

Further information on EXTRA 07/97 (EUR 57/02/97, 22 January 1997) - Fear of Imminent Execution

KAZAKSTAN Oleg Amiranovich GOROZASHVILI, aged 27

On 23 January 1997, a representative of State Investigation Committee (GSK) of Kazakstan gave assurances that Oleg Amiranovich Gorozashvili would not be immediately executed until further information had been received about allegations of judicial error and that Oleg Gorozashvili had not been transferred to the prison in Almaty where his execution is to be carried out.

However, on 27 January Amnesty International was again informed that Oleg Gorozashvili had been transferred to Almaty.

The GSK representative was speaking in response to appeals against the execution of Oleg Gorozashvili by Amnesty International and other regional and local human rights organizations at an international conference on the abolition of the death penalty which took place in Almaty on 22 and 23 January.

At the conference, the First Deputy Chairman of the Commission on Human Rights, Zhumabek Bursurmanov, reported that the Commission was concerned at the apparent violations of judicial procedure in the case of Oleg Gorozashvili, and said that these concerns would be included in the Commission's annual report to the president on the country's human rights situation. Unfortunately, this may be too late to save the life of Oleg Gorozashvili, and urgent intervention is still needed to prevent the execution which could take place at any time.

Oleg Gorozashvili was sentenced to death by the East Kazakstan Regional court for premeditated, aggravated murder under Article 88 of the Kazakstani Criminal Code. The Supreme Court of Kazakstan turned down his appeal against his death sentence on 3 July 1996. On 25 December 1996 the Clemency Commission refused to recommend to grant him clemency.

There are allegations that after his arrest on suspicion of murder Oleg Gorozashvili was questioned without the presence of a defence lawyer. Oleg Gorozashvili confessed to committing one murder, but there are allegations that he was forced to confess to committing a second.

At the death penalty conference, representatives of the Clemency Commission revealed that they had not had access to information about the alleged violation of judicial procedure in the case. It appears that the President of Kazakstan followed the recommendation of the Clemency Commission not to grant Oleg Gorozashvili a pardon.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in Russian, English or in your own language:

- urging that Oleg Gorozashvili's execution be stayed pending a full investigation into the alleged violations of judicial procedure be completed;
- urging President Nazarbayev to reconsider his decision not to grant clemency to Oleg Gorozashvili and to commute this and all other death sentences which come before him;
- expressing unconditional opposition to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights;

- expressing sympathy for the victims of violent crime and their families, but pointing out that the death penalty has never been shown to deter such crime more effectively than other punishments, and is brutalizing to all involved in its application.

APPEALS TO:

The President of Kazakstan, Nursultan Nazarbayev

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Prezidentu Respubliki Kazakhstan NAZARBAYEVU N.A.

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Salutation: Dear President

The Chairman of the State Investigation Committee, Zharmakhan Aytbayevich

TUYAKBAYEV

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Gosudarstvenny sledstvenny komitet

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Salutation: Dear Chairman

COPIES TO:

The Head of the Presidential Clemency Commission of Kazakstan, Igor Rogov

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Salutation: Dear Sir

The Procurator General of Kazakstan, Stepan Shutkin

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Minister of Foreign Affairs of the Republic of Kazakstan, Kasymzhomart Kemel-uly Tokayev

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and to diplomatic representatives of Kazakstan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 24 February 1997.