

PUBLIC

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Fear of imminent execution

29 May 1998

KAZAKSTAN Vladimir Nikolayevich KARDASH

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Amnesty International fears that Vladimir Nikolayevich Kardash may face imminent execution following an unsuccessful appeal against his death sentence to the Supreme Court in March 1998. His only hope of avoiding execution is now a successful review of his sentence by the Clemency Commission (see below).

Vladimir Nikolayevich Kardash, a policeman, was reportedly sentenced to death for the murder of three men, including a police officer, at the police station in the village of Auliekol, Kostanaysk region, on 11 April 1997. He was found guilty of premeditated and aggravated murder

Vladimir Nikolayevich Kardash denies the charges. He claims that the murders happened after a drunken celebration organized by his superior officers. Vladimir Nikolayevich Kardash, who was the most junior officer at the station, alleges he was forced, by beatings and death threats from other police officers, to confess to carrying out the murders while in a state where he was not responsible for his actions. The findings of a local psychiatric investigation supporting the confession were allegedly overturned by a later examination in the capital, Almaty. He also alleges that a formal complaint against his ill-treatment, made to the procurator, received no response and that there were serious investigative errors in his case.

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 or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights.

#### **BACKGROUND INFORMATION**

Some 56 death sentences were passed and at least 35 people were executed in Kazakstan in 1997. Among these was Oleg Gorozashvili who was executed in April 1997 despite an undertaking from the authorities that allegations of serious investigative and judicial errors in his case would be thoroughly investigated first.

Petitions for clemency are reviewed by the Clemency Commission before being referred to the President of Kazakstan for final confirmation (the Commission may also review cases where the prisoner has not submitted a petition for clemency, although it is not clear whether a review is automatic or discretionary in such cases). The Commission meets once a month. If clemency is refused, execution is carried out no later than four days after the decision. Execution is by shooting by a single shot to the back of the head. On average, the period between the passing of a death sentence and the execution, including appeal and clemency proceedings, is one year.

#### **RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Russian or your own language:**

- urging the Clemency Commission to recommend that the President grant clemency to Vladimir Nikolayevich Kardash and commute his and any other death sentences that 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 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 involved in its application.

**APPEALS TO (please note fax tones may be difficult to obtain):**

The President of Kazakstan, Nursultan Nazarbayev  
Respublika Kazakhstan, 480091 g. Almaty (Alma-Ata)  
Pl. Respubliki, 4, Apparat Prezidenta  
Prezidentu Respubliki Kazakhstan NAZARBAYEVU N.A.  
Kazakstan

**Telegrams: Prezidentu Nazarbayevu, Apparat Prezidenta, Almaty, Kazakstan**

**Faxes: + 7 3272 63 76 33 / 63 70 33**

**Salutation: Dear President**

Chairman of the Presidential Clemency Commission of Kazakstan, Igor Rogov  
Respublika Kazakhstan, 480091 g. Almaty  
pl. Respubliki, 4, Apparat Prezidenta  
Komissiya po pomilovaniyu  
Predsedatelyu Rogovu I., Kazakstan

**Telegrams: Komissiya pomilovaniya, Almaty, Kazakstan**

**Faxes: + 7 3272 53 45 38**

**Salutation: Dear Sir**

**COPIES TO:**

Chairman of the Presidential Human Rights Commission of Kazakstan, Yerkeshe Nurpeisov

Respublika Kazakhstan, 480091 g. Almaty  
pl. Respubliki 4, Komissiya po pravam cheloveka  
pri Prezidenta Respubliki Kazakhstan  
Predsedatelyu Nurpeisovu Ye., Kazakstan

**Faxes: + 7 3272 63 76 33**

The Procurator General of Kazakstan, Stepan Shutkin  
Respublika Kazakhstan, 480099 g. Almaty (Alma-Ata)  
ul. Zheltoksan, 189, Prokuratura Respubliki Kazakhstan  
Generalnomu prokuroru SHUTKINU S., Kazakstan

**Faxes: + 7 3272-53 27 30**

The Chairman of the Supreme Court of Kazakstan, Maksud Narikbayev  
Respublika Kazakhstan, 480103 g. Almaty (Alma-Ata)  
ul. Sovetskaya, 66, Verkhovny Sud Respubliki Kazakhstan  
Predsedatelyu NARIKBAYEVU M.S., kazakstan

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

Respublika Kazakhstan, g. Almaty (Alma-Ata)  
Ministerstvo inostrannykh del Respubliki Kazakhstan  
Ministru TOKAYEVU K.K., Kazakstan

**Faxes: +7 3272-63 13 87**

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 26 June 1998.