

UA 143/02

Death Pen

TAJIKISTAN Said RIZVONZODA (m)
Abdulmajid DAVLATOV (m)
Nazar DAVLATOV (m), his brother
Saidamir KARIMOV (M)

The four men named above were reportedly sentenced to death on 27 March 2002. Amnesty International is concerned that their trial was unfair, and that one of them was severely beaten in custody. They may be facing execution as early as July.

They were convicted of murdering the country's First Deputy Interior Minister, Habibullo Sanginov, and members of his entourage, who died in an ambush in the capital, Dushanbe, on 11 April 2001. The prosecution alleged the men were hired killers working for some of Habibullo Sanginov's opponents in the Interior Ministry. The sentences were reported by state television, but other information on the trial, at the Military Collegium of the Tajik Supreme Court in Dushanbe, has been severely restricted.

The men have the right to appeal to the full body of the Tajik Supreme Court (the Supreme Court Plenum), but it is not known whether they have done so. They are also entitled to petition the President for clemency. He must decide on their petitions within four months.

The trial apparently began in a conventional courtroom on 8 January, but was then moved to the prison where the four men had been held before the trial. The presiding judge explained the move as a security measure because the defendants were "dangerous".

All four defendants were reportedly kept handcuffed throughout the trial. They were unable to take notes, which they were entitled to under Tajik law. Their lawyers asked repeatedly for the handcuffs to be removed, but the judge apparently refused, saying he was bound by the instructions of the Prison Director on the conduct of the trial. Amnesty International is concerned that the conduct of the hearing appears to have been managed by the agencies that had compiled the case against the men.

According to the unofficial account, the four did not have adequate access to legal assistance, as their lawyers all complained that they had been denied access to their clients. According to witness testimony given during the trial, Said Rizvonzoda appeared to have been brutally beaten while he was held in prison. The judge did not suspend proceedings to allow this claim to be investigated, and reportedly did not even question the witness on this point.

Amnesty International is concerned that men had inadequate access to legal assistance, and that the court did not meet the standards of independence and impartiality required by Article 14 of the International Covenant on Civil and Political Rights, which Tajikistan has ratified.

Since August 2001 Tajik newspapers have published articles by several human rights lawyers, calling for capital punishment to be restricted, citing known judicial mistakes in the past. In January 2002, however, the Chair of the Criminal Cases Collegium of the Supreme Court said that current legal guarantees are adequate to prevent miscarriages of justice and that, in his view, the country is not ready for abolition of the death penalty.

BACKGROUND INFORMATION

Fifteen offences, not all of them violent, carry the death penalty in Tajikistan. The death penalty is discretionary, which means that judges can choose to impose imprisonment instead.

Amnesty International recorded at least 74 death sentences and five executions in 2001. The true figures are likely to be higher, as death penalty statistics are not released to the public. Only two death sentences were reportedly commuted over the same period.

A *de facto* moratorium on death sentences and executions that had lasted since June 1995 came to an end in November 1998 with the execution of the former Prime Minister's younger brother. He was one of six men convicted of attempting to assassinate President Rakhmonov the previous year.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Russian, Tajik or your own language:

- urging the President to use his constitutional authority to commute the death sentences passed on Said Rizvonzoda, Abduljamid Davlatov, Nazar Davlatov and Saidamir Karimov;
- expressing concern at reports that Said Rizvonzoda was beaten in custody, and expressing concern that international standards for a fair trial were not observed;
- 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 those involved in its application;
- welcoming the public debate on the death penalty that has begun in Tajikistan, and urging the authorities to develop it further by publishing the statistics on death sentences and executions in Tajikistan;
- urging the authorities to impose a moratorium on death sentences and executions in line with international trends towards abolition of the death penalty.

APPEALS TO:

President Rakhmonov
g.Dushanbe, pr.Rudaki 80
Prezidentu RAKHMONOVU I.Sh.
TAJIKISTAN

Fax: + 992 372 21 25 20/ 21 18 37
Salutation:Dear President Rakhmonov

Minister of Justice
734025 g.Dushanbe, prospekt Rudaki 25,
Ministerstvo Yustitsii Respubliki Tajikistan
Ministru HOMIDOVU Kh.
TAJIKISTAN

Fax:+ 992 372 21 80 66
Salutation:Dear Minister

Chair of Supreme Court Plenum
734018 Dushanbe, ul N. Karabayeva 17
Verkhovny Suda respubliki Tajikistan
Predsedatelyu DAVLATOVU U.A.
TAJIKISTAN

Salutation:Dear Chairman

Chair of Clemency Commission of the Supreme Council, Ms Gulchekhre SHARIPOVA
734051 g.Dushanbe, pr. Rudaki 42
Komissiya po voprosam pomilovaniya
Verkhovny Sovet Respublki Tajikistan
PRESEDATELYU SHARIPOVOY G.
TAJIKISTAN

Salutation:Dear Madam Chairman

COPIES TO:

Chair of the Military Collegium of the Supreme Court
734018 Dushanbe, ul N Karabayeva 17
Verkhovny Sud, Voennaya Kollegiya
Predesdatelyu Gen-Maioru FATHUDDINOVU V.
TAJIKISTAN

Director General of State Television, which published the report
Dushanbe
GTV Tajikistan
GENERALNOMU DIREKTORU
TAJIKISTAN

Tajik Permanent Representative at the United Nations
Permanent Representative to the UN of the Republic of Tajikistan
136 E. 67th Street, New York NY 10021 USA.

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and to diplomatic representatives of Tajikistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 21 June 2002.