

EXTERNAL

15 August 1992

@Bayramgeldy CHARYYEV

£Turkmenistan

The information on this case comes from an unofficial source, which reports that Bayramgeldy Charyyev was sentenced to death on 5 November 1991 by the Balkan Regional Court sitting in the city of Nebit Dag. He was convicted of murder. The sentence was upheld on appeal to the criminal cases collegium of the Turkmenistan Supreme Court on 15 January 1992. A petition for clemency was turned down apparently in May. 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. Amnesty International is therefore appealing to the President of Turkmenistan to reconsider his earlier decision and to commute the death sentence passed on Bayramgeldy Charyyev.

Bayramgeldy Charyyev was born in 1969, is married, and comes from Gyzylarbat in Balkan vilayet (administrative region) of Turkmenistan, where he worked as a shepherd on a state farm. He was found guilty of shooting dead two men and wounding two others on 18 July 1991 at the settlement of Sekizhan, near Gyzylarbat. Bayramgeldy Charyyev claimed that he acted to protect his wife from being raped by six men. This claim was rejected by the court, however, the prosecution having argued that the rape story was a fabrication, and that Bayramgeldy Charyyev and his victims had got drunk together immediately before the shooting incident. Bayramgeldy was found guilty of premeditated murder from motives of hooliganism (Article 106 of the Turkmenistan Criminal Code).

The unofficial source which provided information of this case alleges that the appeal hearing by the criminal cases collegium of the Turkmenistan Supreme Court violated the code of criminal procedure since the defendant and his lawyer were not present, the lawyer not having been informed about when the hearing was to take place.

According to the information received by Amnesty International Bayramgeldy Charyyev was due to be transported on 28 May 1992 from Turkmenistan to a prison in Tashkent, the capital of neighbouring Uzbekistan, where his sentence was to be carried out. Before the break-up of the USSR in late 1991 not all republics had their own places of execution, and it was therefore common for prisoners sentenced to death in one republic to be executed in a neighbouring republic. Amnesty International is aware, however, that since the break-up of the USSR some of the now independent republics have discontinued executions of prisoners sent from neighbouring republics. It is possible, therefore, that Bayramgeldy Charyyev's death sentence has not yet been carried out.

Background information

To Amnesty International's knowledge, the Criminal Code of Turkmenistan retains the death penalty for 18 offences in peacetime. Information about the application of this punishment is meagre in the absence of any published official statistics. Execution is by shooting.

Amnesty International has consistently pressed the Turkmen authorities to reduce the scope of the death penalty as a step towards total abolition; to impose a moratorium on death sentences and executions pending a review of this punishment; and to publish comprehensive statistics on its application.