

.....UZBEKISTAN

Mothers Against the Death Penalty

Seven mothers are behind an inspiring struggle against the death penalty in Uzbekistan. Three have seen their sons executed, one has a son on death row, and three have lived with the fear that their sons would be executed until the death sentences were commuted.

Mothers Against the Death Penalty was started by Tamara Chikunova, an engineer who also studied law. Her 28-year-old son Dmitry was sentenced to death in November 1999.¹ He was accused of murder, but she remains convinced that he was innocent. She says that while her son was in pre-trial detention, he told her that his hands had been tied and a gas mask put over his head. He said that the interrogator squeezed the hose of the mask to stop the air flow and shouted, "Now, confess that you are a murderer". Dmitry also told his mother that he had been threatened with rape if he did not confess.

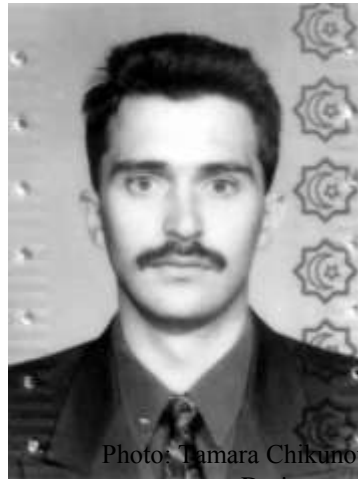


Photo: Tamara Chikunova's son Dmitry

Tamara Chikunova petitioned all the relevant authorities in Uzbekistan to save her son's life, and Amnesty International issued an urgent appeal on Dmitry's behalf. But all such efforts were to no avail. When Tamara Chikunova went to visit her son in Tashkent prison on 12 July 2000, she discovered that he had been executed in secret two days earlier.

Chikunov;
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From that moment Tamara Chikunova decided to support other mothers struggling to save the lives of their sons. She told them how to lodge a complaint with the authorities, wrote up the cases and passed them on to Amnesty International and other international organizations. "I teach them law," she told Amnesty International. "When they go to the officials and cry they won't achieve anything. But when they come from a position of knowledge about the law and their rights, they can fight. Six of the women I gave support to stayed with me, and they are now helping other mothers with their cases."

¹ Amnesty International actions on behalf of Dmitry Chikunov:

- *Urgent Action*: UA 184/00; AI Indexes: EUR 62/13/00, 28 July 2000; EUR 62/18/00, 13 July 2001
- *Newsflash*: News Service No. 137; AI Index: EUR 62/017/2000, 12 July 2001.

CAMPAIGNING FOR LIFE

The women's energetic and dedicated campaigning has brought them many successes, although they have also suffered disappointment.

Refat Tulyaganov², aged 21, was sentenced to death in July 2001. There were allegations that he had been beaten in detention to force him to confess to a murder. Despite much campaigning by the Mothers Against the Death Penalty and Amnesty International, and an intervention by the United Nations (UN) Human Rights Committee urging a stay of execution, Refat Tulyaganov was executed in secret in January 2002. His family was not even informed of the date of execution, and only received the official death certificate on 12 February 2002.



Refat Tulyaganov;
© Private

In several cases, however, the group has celebrated victory over the threat of execution.

Nikolay Ganiyev³ was convicted of murder in March 2001 and sentenced to death. He had confessed to the killing, but denied it was premeditated. He was allegedly beaten by police following his detention. In February 2002 the death sentence was commuted by the Board of the Supreme Court of Uzbekistan and he is now serving his prison sentence in Andijan prison. His delighted parents told Amnesty International on 22 February this year, "We saw Nikolay at the train station today... His eyes were like stars. He couldn't believe it and kept repeating 'I will live'".



Photo: Nikolay Ganiyev;
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² Amnesty International actions on behalf of Refat Tulyaganov:
- *Appeal Case sheets*; AI Indexes: EUR 62/020/2002, 21 December 2001; EUR 62/017/2000, 18 February 2002.

³ Amnesty International actions on behalf of Nikolay Ganiyev:
- *Urgent Action*; EXTRA 41/01; AI Indexes: EUR 62/007/2001, 5 July 2001; EUR 62/013/2001, 3 August 2001; EUR 62/014/2001, 11 October 2001; EUR 62/018/2001, 8 November 2001; EUR 62/006/2002, 26 February 2002.

Vazgen Arutyunyants⁴ spent more than 18 months on death row before his death sentence was commuted in December 2001 to 10 years' imprisonment. He had always maintained his innocence. He said that after he was arrested in July 1999, police in the Yakkasarayask district of Tashkent beat him to force him to confess to a murder. His father, who saw him shortly after the interrogation, said his son was severely bruised, unable to stand and was suffering from headaches and kidney pain.

Vazgen Arutyunyants' mother met her son at a train station on 15 January 2002 as he was being transferred to the prison colony in Andijan town. She told Amnesty International, "Vazgen could have been executed any day.

Whenever the guards opened the door of his cell, he was prepared to be executed. When they led him out of the cell on 15 January, he thought they were taking him to the execution. When I met him at the train station, he was shivering. He still couldn't believe that he would live. From now on we are going to celebrate 15 January as his second birthday."

The death sentence against **Marat Rakhmanov**⁵ was commuted to 15 years' imprisonment by the Board of the Supreme Court in April 2001. According to his lawyer, he had signed a confession to a murder he did not commit after he was tortured at a police station in the town of Samarkand in August 1999.

One of several poems Nikolay Ganiyev wrote on death row is translated below:

*Bullet, I pray to you not to rush
I know that you are coming to pierce the back of my
head
and turn me into lifeless flesh.
Rest at the end of the barrel
you will have enough time to get drunk on my blood.
I lived today until noon
a couple more days will be a victory.
So young we are, and so much evil we have done
what a waste of a life that disappeared in the fog.
Impatiently I wait for sleep to come,
the chance to dream of our house, the flowers on the
window sill.
Mother, you will stay in sorrow
and pray to the angels for help.*

⁴ Amnesty International actions on behalf of Vazgen Arutyunyants:
- *Urgent Action*; EXTRA 91/00; AI Indexes: EUR 62/24/00, 13 December 2000; EUR 62/010/2001, 1 August 2001; EUR 62/003/2002, 29 January 2002.

⁵ Amnesty International actions on behalf of Marat Rakhmanov:
- *Urgent Action*; EXTRA 68/00; AI Indexes: EUR 62/20/00, 15 August 2000; EUR 62/008/2001, 5 July 2001.

Marat Rakhmanov's sister Mayra, who visited him after the commutation of his sentence, told Amnesty International, "The prison guards did not inform Marat that his death sentence had been commuted. They took him out of prison and didn't tell him anything. He thought he was being taken to be shot. Only once he had arrived in the prison colony in Namangan, the other prisoners told him where he was and he understood that he had been granted clemency."



Photo: Marat Rakhmanov; © Private

COOPERATION WITH AMNESTY INTERNATIONAL

"Your organization has supported me right from the beginning," Tamara Chikunova told Amnesty International. "[You] were an incredible source of moral support for me before and after my son's execution. The idea that thousands of Amnesty International members knew about me and my son gave me strength. Since then, we have worked together on a number of cases, sometimes with great success. Any one of those commutations is like a miracle, but a miracle that would not have happened without the work of your members."



Tamara Chikunova was speaking to Amnesty International delegates in December 2001 at a human rights conference in Kazakstan. Tamara Chikunova showed them hundreds of letters of support she had received from Amnesty International members. A month later,

Tamara Chikunova went to a Human Rights Defenders conference in Dublin, Ireland, organized by the non-governmental organization Frontline. There she met Margaret John, who said of her, "Her serious face lit up when she discovered I was from Canada. She flung her arms around me and hugged me, saying the children in Canada had sent her 700 letters after her son was executed."

Mayra Rakhmanova explained how she used Amnesty International action material. "When I received your *Urgent Action* on behalf of my brother, I made a lot of photocopies and distributed them. I asked for help. Officials take us more seriously when they see we get international support."

In 2001 the mother of Maksim Strakhov who is currently on death row, told Amnesty International, "You should not underestimate what your actions mean to us... It gives us more strength to face the situation and do whatever we can to save the lives of our children."

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases as it violates the most fundamental human right - the right to life. The organization considers the death penalty to be inherently unjust and arbitrary, however heinous the crime for which it is provided and however scrupulous the procedures by which it is enforced. The risk of error in applying the death penalty is inescapable, yet the penalty is irrevocable. The overwhelming conclusion from studies on the topic is that there is no reliable evidence that the death penalty achieves a purpose of avoiding other serious harm, for example, by deterring the crimes for which it is available.

Amnesty International is calling upon Uzbekistan to move towards abolition by implementing a moratorium on executions and commuting all pending death sentences. Such a step would be consistent with the worldwide trend towards abolition. At its 56th meeting on 25 April 2002 the UN Commission on Human Rights called upon all states that still maintain the death penalty "to establish a moratorium on executions, with a view to completely abolishing the death penalty."⁶

In a positive move the *Oliy Majlis* (parliament) of Uzbekistan reduced the number of offences punishable by death from eight to four in October 2001. This was part of an official policy announced in 1998 to "abolish the death penalty by stages". Polina Braunerg, a human rights activist in Uzbekistan, labelled this decision as a "step in the right direction". She also said, "I am convinced that this would not have happened without constant pressure by human rights organizations in and outside Uzbekistan."

⁶ Commission on Human Rights Resolution 2002/77, 5.b, 25 April 2002.

However, the scale of the challenge facing the Mothers Against the Death Penalty and other local and international human rights organizations continues. In September 2001 President Islam Karimov stated that around a hundred people were executed in Uzbekistan each year and Amnesty International has continued to receive high numbers of new death sentences.

However, the exact figures of death sentences and executions in Uzbekistan are not known as information on the death penalty is regarded as a state secret in the country and information about executions is rarely publicized. Many relatives of those sentenced to death do not know whether their father, husband or son is still alive. On 6 April 2001 the UN Human Rights Committee deplored Uzbekistan's "refusal to reveal the number of persons who have been executed or condemned to death, and the grounds for their conviction..." and called upon the country to "provide such information as soon as possible."⁷ In addition, the Organization for Security and Co-operation in Europe (OSCE) calls upon its member states, including Uzbekistan, to "make available to the public information regarding the use of the death penalty."⁸

In the death penalty cases mentioned in this document Amnesty International received allegations of torture and ill-treatment, often to extract a confession. The organization has received and documented persistent allegations of torture and ill-treatment in political and non-political cases in Uzbekistan.⁹ In its conclusions and recommendations following its consideration of Uzbekistan's second periodic report at its 28th session in May 2002, the UN Committee against Torture noted concern over "particularly numerous, ongoing and consistent allegations of particularly brutal acts of torture and other cruel treatment committed by law enforcement personnel"¹⁰ and urged the establishment of an independent complaints mechanism to ensure prompt and thorough investigations into complaints of such maltreatment.¹¹

⁷Concluding observations of the Human Rights Committee: Uzbekistan. CCPR/CO/71/UZB, C.7, 6 April 2001.

⁸ Copenhagen Document, Article 17.8. The document was issued at the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Co-operation in Europe (CSCE) on 29 June 1990.

⁹ See, for example, Amnesty International's report *Uzbekistan. The Rhetoric of Human Rights Protection: Briefing for the United Nations Human Rights Committee*; AI Index: EUR 62/006/2001, June 2001, pp. 9-14 and 16-21.

¹⁰ Conclusions and Recommendations of the Committee against Torture: Uzbekistan. CAT/C/XXVIII/Concl.2, D(a), 8 May 2002.

¹¹ Conclusions and Recommendations of the Committee against Torture: Uzbekistan. CAT/C/XXVIII/Concl.2, E(b), 8 May 2002.

RECOMMENDED ACTION

Write appeals on behalf of Valery Agabekov and Andrey Annenkov¹²

Mothers Against the Death Penalty are currently working on the case of 26-year-old welder Valery Agabekov and his brother-in-law Andrey Annenkov. The two men are believed to be in danger of imminent execution. Their only hope is that the President of Uzbekistan grants them clemency.



On 18 September 2001 Valery Agabekov and Andrey Annenkov were sentenced to death by Tashkent Regional Court. The death sentences were upheld by the Board of the court on 12 November.

Photo: Valery Agabekov (left) and Andrey Annenkov (right);



The men were accused of having sex with two women. Valery Agabekov maintains his innocence. Following his arrest in Akhangaran town in Tashkent province he was held at a police station and ill-treated to force him to confess to the crime. In a letter to his mother from prison, Valery Agabekov wrote: "They broke my jaw. I am not able to speak. They were trying to rape me. I was handcuffed, attached to the radiator... They started to hit my head against the radiator. Then they placed a plastic bag over my head and the investigator shouted: 'either you confess now or you'll die before your trial'. I couldn't breathe and blood was running down my hands. Several times I lost consciousness. I kept repeating 'I am innocent'. When I asked them to call a doctor the investigator said that the only person they would call for me was the grave-digger."

to women. Valery Agabekov was held at a police station and ill-treated to force him to confess to the crime. In a letter from prison, Valery Agabekov wrote: "They were trying to rape me. I was handcuffed, attached to the radiator... They started to hit my head against the radiator. Then they placed a plastic bag over my head and the investigator shouted: 'either you confess now or you'll die before your trial'. I couldn't breathe and blood was running down my hands. Several times I lost consciousness. I kept repeating 'I am innocent'. When I asked them to call a doctor the investigator said that the only person they would call for me was the grave-digger."

In his letter Valery Agabekov states that Andrey Annenkov was also tortured and ill-treated in pre-trial detention: "They broke one of his ribs and knocked out a tooth. We both had blood in our urine following the beatings."

¹² Amnesty International action on behalf of Valery Agabekov and Andrey Annenkov: - *Urgent Action*; EXTRA 31/02; AI Index: EUR 62/007/2002, 19 April 2002.

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

- Protesting against the imposition of the death penalty on grounds that it is a violation of the right to life;
- pointing out that clemency is the prerogative of the powerful, and urging the President of Uzbekistan to use his constitutional authority to commute the death sentences passed on Valery Agabekov and Andrey Annenkov; (*in letters to the President*)
- 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 October 2001 reduction in the number of offences in the criminal code that are punishable by death, and urging the authorities to build on this positive step by imposing a moratorium on death sentences and executions, in line with the international trend towards abolition of the death penalty;
- urging the authorities to open prompt and impartial investigations into allegations that Valery Agabekov and Andrey Annenkov were ill-treated at Akhangaran police station, with the results made public and anyone found responsible brought to justice;
- urging the authorities to publish comprehensive statistics regarding death sentences and executions in Uzbekistan, which would be in line with Recommendation 7 adopted by the United Nations Human Rights Committee on 6 April 2001.

APPEALS TO (*Please note that it may be difficult to send faxes. If a voice answers during office hours, repeat 'fax' until connected; fax machines may be switched off outside office hours - five hours ahead of GMT*):

President, Islam Abduganiyevich KARIMOV

Respublika Uzbekistan; 700163 g. Tashkent; ul. Uzbekistanskaya, 43; Rezidentsia prezidenta; Prezidentu Respubliki Uzbekistan; KARIMOVU I.A., UZBEKISTAN

Telegram: **Prezidentu Karimovu, 700163 Tashkent, Uzbekistan**

Fax: **+ 998 71 - 2 89 00 46 (Write on the top of your fax: "Tel.: 139 53 75; 139 82 60; 139 59 29; Prezidentu Respubliki Uzbekistan; KARIMOVU I.A.")**

Salutation: **Dear President Karimov,**

Minister of Foreign Affairs, Abdulaziz Khafizovich KOMILOV

Respublika Uzbekistan; 700029 g. Tashkent; pl. Mustakillik, 5; Ministerstvo inostrannykh del Respubliki Uzbekistan; Ministru KOMILOVU A.Kh., UZBEKISTAN

Telegram: **Ministru inostrannykh del, 700029 Tashkent, Uzbekistan**

Fax: + 998 71 139 15 17

Salutation: Dear Minister

General Procurator, Rashidjon Hamidovich KODIROV

Respublika Uzbekistan; 700047 g. Tashkent; ul. Gulyamova, 66; Prokuratura Respubliki Uzbekistan; Generalnomu prokuroru; KODIROVU R. Kh., UZBEKISTAN

Telegram: Generalnomu prokuroru, 700047 Tashkent, Uzbekistan

Fax: + 998 71 133 99 36

Salutation: Dear Procurator General

COPIES TO:

Chairman of the Supreme Court, ISHMETOV I.

Respublika Uzbekistan; 700183 g. Tashkent; ul. Abdulla Kodiri, 1; Verkhovny Sud Respubliki Uzbekistan; Predsedatelyu ISHMETOVU I.; UZBEKISTAN

Parliamentary Commissioner for Human Rights, Sayora RASHIDOVA (Ms)

Respublika Uzbekistan; 700035 g. Tashkent; ul. Xalqlar Do'stligi, 1; Oliy Majlis Respubliki Uzbekistan; Upolnomochennoy po pravam cheloveka pri Oliy Majlis; RASHIDOVOY S., UZBEKISTAN

E-mail: Office@ombudsman.gov.uz

and to diplomatic representatives of UZBEKISTAN accredited to your country.

PLEASE SEND APPEALS UNTIL 30 JUNE 2002. If you want to take action against the death penalty in Uzbekistan after this date, please contact the South Caucasus and Central Asia team: cascauc@amnesty.org