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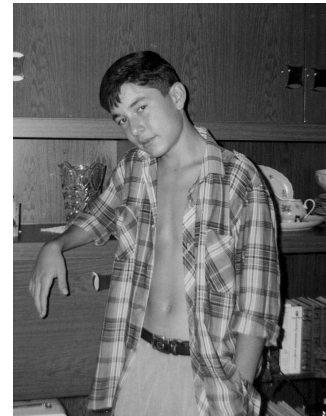
UZBEKISTAN: APPEAL CASES

21 December 2001¹; AI Index: EUR 62/020/2001; public

Fear of imminent execution: Refat TULYAGANOV (aged 20)

Refat Tulyaganov, whose appeal against his death sentence has been rejected, could be executed at any time. His only hope to avoid execution is clemency by President Islam Karimov. There are allegations that he was severely beaten in detention in order to force him to sign a confession.

Refat Tulyaganov was sentenced to death by Tashkent City Court on 5 July 2001 for premeditated, aggravated murder (Article 97, part 2 of the Criminal Code of Uzbekistan). The Appeals Committee of Tashkent City Court turned down his appeal against his death sentence on 21 August 2001. Two months later on 4 October 2001 the Supreme Court upheld his death sentence.



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Refat Tulyaganov was accused of stabbing to death a young man and attempting to kill two of the man's friends during a fight outside a nightclub. All of them were said to have been drunk at the time. His mother claims that there is evidence that Refat was provoked and physically attacked by the victim and that he acted in self-defence rather than deliberately setting out to kill the victim. She alleges that the court of first instance did not take any of these circumstances into consideration when sentencing Refat to death.

BACKGROUND INFORMATION

In October 2001 the *Oliy Majlis* (parliament) reduced the number of offences punishable by death from eight to four. Premeditated aggravated murder remains punishable by death.

In 1998 the Parliamentary Commissioner for Human Rights in Uzbekistan, Sayora Rashidova, had informed Amnesty International that moves to reduce the number of articles in the Uzbek Criminal Code carrying a possible death sentence were part of Uzbekistan's policy to "abolish the death penalty by stages". This latest reduction appears to be part of this policy. However, Amnesty International has continued to receive a high number of new death sentences.

As information on the death penalty is considered a state secret, the number of those sentenced to death and executed is not made public. In many cases even family members do not know whether their father or son has been executed. The UN Committee against Torture asked the Uzbek government delegation for death penalty figures at its November 1999 session, but did not receive them. In its concluding observations to its March 2001 session the UN Human Rights Committee "deplore[d] the State party's refusal to reveal the number of persons who have been executed or

¹ Please send appeals until 15 February 2001.

condemned to death, and the grounds for their conviction" and asked Uzbekistan once again to provide the Committee with such information as soon as possible.

In September 2001 President Karimov publicly stated that around 100 people were executed in Uzbekistan each year.

Amnesty International has consistently pressed the Uzbek authorities to move towards the abolition of the death penalty. The organization has asked that Uzbekistan impose a moratorium on death sentences and executions pending a review of this punishment and that they publish comprehensive statistics on the application of the death penalty.

Recommended actions:

Please send politely worded faxes/telegrams/airmail letters in English, Russian, Uzbek or your own language, (note that it can be difficult getting through to fax numbers in Uzbekistan. If a voice answers, repeat 'fax' until you hear the signal; otherwise it is advisable to leave your fax machine on auto-redial):

- urging the President to use his constitutional authority to commute the death sentence passed on Refat Tulyaganov, as well as all other death sentences that come before him;
 - 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;
 - urging the authorities to share with you 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 4 April 2001;
 - urging the authorities to impose a moratorium on death sentences and executions, in line with the international trend towards abolition of the death penalty.
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Whom to write

<u>President</u>	<u>Clemency Department at the President's Office</u>
Islam Abduganiyevich KARIMOV Respublika Uzbekistan; 700163 g. Tashkent; ul. Uzbekistanskaya, 43; Rezidentsia prezidenta; Prezidentu KARIMOVU I.A. UZBEKISTAN Fax: + 998 71 - 2 89 00 46 (<i>Write on the top of your fax: "Tel.: 139 53 75; 139 82 60; 139 59 29; Prezidentu Respubliki Uzbekistan; KARIMOVU I.A."</i>) Telegrams: Prezidentu Karimovu, 700163 Tashkent, Uzbekistan e-mails: uzinfo@uzinfo.gov.uz (<i>if your e-mail bounces back, please fax it if possible</i>) Salutation: Dear President	Nurmat AKHMANOV Respublika Uzbekistan; 700000 g. Tashkent; Apparat Prezidenta ; Respubliki Uzbekistan; Otdel po voprosam pomilovaniya; Zaveduyushchemu otdelom; AKHMANOVU N. Salutation: Dear Director

Send copies of your letters to:

- the Ambassador of Uzbekistan to your country (if there is one)
- the Minister of Foreign Affairs, Abdulaziz Khafizovich KOMILOV, Respublika Uzbekistan; 700029 g. Tashkent; pl. Mustakillik, 5; Ministerstvo inostrannykh del; Ministru KOMILOVU A.Kh.; UZBEKISTAN; Fax: + 998 71 - 139 15 17
- the Oliy Majlis Commissioner for Human Rights: Sayora RASHIDOVA (Ms); ul. Xalqlar Do'stligi, 1; Oliy Majlis Respubliki Uzbekistan; Upolnomochennoy po pravam; cheloveka pri Oliy Majlis; RASHIDOVU S.; Fax: + 998 71 - 139 85 55; E-mail: mtillaboev@oliymajlis.gov.uz
- the Chairman of the Supreme Court, Ubaydulla MINGBAYEV; Respublika Uzbekistan; 700183 g. Tashkent; ul. Abdulla Kodiri, 1; Verkhovny Sud Respubliki Uzbekistan; Predsedatelyu MINGBAYEVU U.; UZBEKISTAN

PLEASE SEND ANY REPLIES FROM THE UZBEK AUTHORITIES AS SOON AS POSSIBLE TO THE INTERNATIONAL SECRETARIAT OF AMNESTY INTERNATIONAL. (South Caucasus and Central Asia Research and Campaign Team; Amnesty International; 1 Easton Street; London WC1 X ODW; United Kingdom)