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Uzbekistan

Questions of life and death cannot wait until 2008

A briefing on the death penalty

INTRODUCTION

On 1 August 2005 President Islam Karimov signed the decree "On abolishing the death penalty in the Republic of Uzbekistan" stipulating the abolition of the death penalty in Uzbekistan from 1 January 2008.

Amnesty International welcomes the government's commitment to abolish the death penalty. However, the organization urges the authorities to build on this step by promptly commuting all pending death sentences and introducing a moratorium on death sentences until the full abolition of the death penalty in 2008.

If no fundamental changes are introduced immediately then scores of people are likely to be sentenced to death and executed before January 2008. In previous reports Amnesty International has documented that Uzbekistan's flawed criminal justice system provides fertile ground for miscarriages of justice and executions due to judicial error or grossly unfair trials. After his visit to the country in November and December 2002, the United Nations (UN) Special Rapporteur on torture concluded that "*torture or similar ill-treatment is systematic*" in Uzbekistan. In his February 2003 report on Uzbekistan he stated that the "*abolition of the death penalty would be a positive step towards respect for the prohibition of torture and other forms of ill-treatment*". The lack of independence of the judiciary; corruption at every stage from investigation to the clemency process; the glaring discrepancies between domestic law, its implementation and Uzbekistan's obligations under international human rights treaties -- all increase the scope for judicial error.

Over 150 people have been charged in connection with the May 2005 events in Andizhan. Amnesty International is concerned that all of them are likely to face unfair trials. The organization is particularly concerned about those who have been charged with crimes carrying the death penalty.¹ The death penalty has played an important role in the clampdown

¹ According to information available to Amnesty International, during the night of 12-13 May, a group of unidentified armed men broke into the jail of the city of Andizhan in the Ferghana valley, reportedly freeing hundreds of prisoners, and later taking hostages and occupying a local government building. Throughout the day thousands of people gathered in a city square; many spoke out to demand justice and an end to poverty. There were sporadic incidents of security forces firing indiscriminately into the crowds, killing and wounding demonstrators, most of whom were unarmed. In the early evening, security forces were reported to have surrounded the crowd of thousands of protestors on the city's main square, hemming them in with buses, armed personnel carriers and other barriers. According to witnesses, hundreds of people -- men, women and children -- were killed when government troops opened fire on the crowd in the square and as they fled. Hundreds left the country and sought international protection in neighbouring Kyrgyzstan. Amnesty International deplored the government's

on "religious extremism" in Uzbekistan and dozens of alleged "Islamists" have been sentenced to death and executed without being granted the rights to effective assistance of counsel and to prepare a defence.

In Uzbekistan the clemency process and the executions themselves are shrouded in secrecy, compounding the punishment inflicted not only on prisoners but on their families. Neither the death row prisoner nor his relatives are informed of the date of the execution in advance and family members and friends are denied the chance to say goodbye to the prisoner. In many cases family members do not know for months, sometimes even years, whether their relative is alive or has been executed. They are not informed where their loved one is buried and therefore do not even have a location over which to grieve. Many search for years in the hope of finding the grave. The UN Special Rapporteur on torture has described the treatment of relatives of death row prisoners in Uzbekistan as "*malicious and amounting to cruel and inhuman treatment*".² In its concluding observations issued on 26 April 2005 the (UN) Human Rights Committee deplored that "*the authorities systematically fail to inform the relatives of the execution, defer issuance of a death certificate, and do not reveal the burial place of the executed persons*".³ It concluded that this practice amounts to a violation of Article 7 of the International Covenant on Civil and Political Rights (ICCPR) which stipulates that "*no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*".

Relatives of suspects in capital cases have also been targeted by officials. They have been taken hostage to secure the arrest of the accused, tortured, beaten, or threatened with rape. Corrupt practices by officials have resulted in many being dismissed from their jobs, losing all their property or being bankrupted.

The authorities have consistently refused to publish comprehensive statistics on the application of the death penalty despite its commitment to do so as a member of the Organization for Security and Co-operation in Europe (OSCE) and repeated requests including by the (UN) Human Rights Committee. In September 2001, President Karimov publicly stated that around 100 people were executed in Uzbekistan each year. On 2 December 2004 the President said at a press conference in Tashkent that between 50 and 60 people were sentenced to death that year. Apart from that, to Amnesty International's knowledge, the authorities have not published any concrete figures regarding the number of death sentences and executions.

Amnesty International is also concerned at the extradition or the facilitation by other countries of the return of people to Uzbekistan who are at risk of serious human rights

refusal to carry out an independent, international investigation into the May events in Andizhan, with the results made public and those responsible brought to justice. For further information, refer to Amnesty International's June 2005 report *Kyrgyzstan: Refugees in need of a safe haven* (AI Index: EUR 58/008/2005).

² Report of the UN Special Rapporteur on torture, Theo van Boven, following his mission to Uzbekistan in November and December 2002: E/CN.4/2003/68/Add.2, para. 65, 3 February 2003.

³ Concluding observations of the Human Rights Committee: Uzbekistan, CCPR/CO/83/UZB, 26 April 2005.

violations including being sentenced to death in unfair trials. The countries which have returned people to Uzbekistan where they were sentenced to death in unfair trials accompanied by allegations of torture included Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Turkmenistan.⁴

This briefing paper focuses on the current situation regarding the death penalty in Uzbekistan and updates Amnesty International's November 2003 report "*Justice only in heaven*" – *the death penalty in Uzbekistan* (AI Index: EUR 62/011/2003) and Amnesty International's October 2004 report *Belarus and Uzbekistan: the last executioners. The trend towards abolition in the former Soviet space* (AI Index: EUR 04/009/2004).

For more detailed information on the application of the death penalty in Uzbekistan, the secrecy and its effect on family members of death row prisoners, refer to Amnesty International's report "*Justice only in heaven*" – *the death penalty in Uzbekistan*.

MOVES TOWARDS ABOLITION

When Uzbekistan gained independence in 1991 it inherited the Criminal Code of the Soviet Union that had been in force for three decades, which carried the death penalty for more than 30 peacetime and wartimes offences. In 1994, 1998, 2001 and 2003 respectively amendments were introduced to the Criminal Code reducing the number of offences punishable by death. As of the most recent reduction in December 2003, two offences have been punishable by death -- "premeditated, aggravated murder" and "terrorism". It is widely believed that at least since 1998 most death verdicts in Uzbekistan have been handed down for "premeditated, aggravated murder" and/or "terrorism". The refusal of the authorities to publish comprehensive statistics makes it impossible to verify whether the reduction in the number of capital offences has had an impact on the actual number of death sentences.

International pressure on the authorities of Uzbekistan to abolish the death penalty mounted as the trend towards abolition accelerated in the countries of the former Soviet Union. While following the break-up of the Soviet Union all independent republics retained the death penalty,⁵ nine have now abolished it and four states -- Kyrgyzstan, Kazakhstan, Tajikistan and Russia -- have moratoria in place. Belarus and Uzbekistan are the only

⁴ This document features the cases of Akhrorkhuzha Tolipkhuzhaev, who was handed over to Uzbekistan by the authorities of Kazakhstan in September 2002 and of Iskandar Khudoberganov, handed over by the Tajikistani authorities in February 2002. Akhrorkhuzha Tolipkhuzhaev was executed despite an intervention by the (UN) Human Rights Committee requesting a stay of his execution and Iskandar Khudoberganov is on death row in Tashkent prison. For more information refer to pages 6 and 8 respectively. For more information on extradition cases, refer to Amnesty International's report "*Justice only in heaven*" – *the death penalty in Uzbekistan* (AI Index: EUR 62/011/2003).

⁵ When the Soviet Union collapsed the following states were created on its territory: Belarus, Moldova, Ukraine, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Georgia, the Russian Federation, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

countries that still execute death row prisoners. Apart from Belarus and Russia, the internationally unrecognized regions Abkhazia, the Dnestr Moldavian Republic and South Ossetia are the only territories in Eastern Europe and the South Caucasus that have not abolished the death penalty.

At a press conference on 2 December 2004 President Karimov stated that, according to his *“personal opinion ... we should stop handing down death sentences”*. He dismissed the introduction of a moratorium as *“just a game”* pointing out that *“one should issue not a moratorium but a decision on abolishing the death penalty”*.

In an address to the upper and lower houses of Parliament on 28 January 2005, that was broadcast by *Uzbek Radio*, President Islam Karimov said that he was against the introduction of a moratorium and that Uzbekistan needs to *“resolve [the issue] of abolition of the death penalty in our country’s system of punishment”*. He added: *“We think we need at least two to three years for that.”*

Itar-tass reported that Jean Asselborn, President-in-office of the Council of the European Union (EU), Deputy Prime Minister and Foreign Minister of Luxembourg, stated at a news conference following the meeting of the European Union-Uzbekistan Cooperation Council in Brussels on 1 February that Sodik Safoev, Foreign Minister of Uzbekistan, had given assurances to him that Uzbekistan would abolish the death penalty.

On 1 August President Karimov signed the decree “On abolishing the death penalty in the Republic of Uzbekistan” stipulating that the death penalty will be abolished from 1 January 2008 and replaced by life or long-term imprisonment. He ordered the Ministry of Justice, the Interior Ministry, the Supreme Court, the office of the Prosecutor General, and the National Security Service to *“draft by 1 January 2006 proposals on introducing amendments”* to the relevant Codes of Uzbekistan *“in view of abolishing the death penalty in the system of punishment and replacing it by life or long-term imprisonment”*. He also tasked the Cabinet of Ministers within two weeks to *“issue a resolution on measures to build and equip a special complex of buildings for keeping convicts sentenced to life or long-term imprisonment”*.

PUBLIC OPINION

The authorities of Uzbekistan have frequently referred to public opinion as a key argument against abolishing the death penalty immediately. In an opinion poll conducted among 1200 people in Uzbekistan by the government-funded organization *Izhtimoiy fikr* (Public Opinion) in 2004, 78.2 per cent were against abolition or a moratorium.

At a press conference on 2 December 2004, for example, President Karimov stated that while he was personally opposed to the death penalty, it was premature to abolish it soon as the large majority of the population in Uzbekistan was in favour of retaining it. *“We need to work on public opinion and we need to work with the population in order to ... give up handing down the death sentence,”* he said.

As part of the August 2005 decree President Karimov instructed the Ministry of Justice, the Interior Ministry, the Supreme Court and the office of the Prosecutor General, in cooperation with key media outlets such as *Uzbek Television* to “draw up and implement a complex of measures which are aimed at launching a publicity campaign on the issue of abolishing the death penalty”.

Amnesty International welcomes the stated commitment to launch a publicity campaign to prepare public opinion for the abolition of the death penalty. However, the organization urges the authorities not to wait for changes in public opinion but to immediately stop executions and commute all pending death sentences. Historically it has almost always been the case that moratoria on death sentences and/or executions have been introduced or the death penalty abolished even though the majority of the public was against such steps. Yet when the death penalty is abolished there has often been little public outcry, and it almost always remains abolished.

Amnesty International urges the authorities to ensure that public debates about the death penalty can be held without harassment and repercussions for those involved and that anti-death penalty activists can go about their human rights activities unhindered. In addition, it is important that the authorities disclose information about the death penalty in Uzbekistan such as comprehensive statistics on its application, to enable an informed debate.

In the past the authorities of Uzbekistan have on many occasions prevented an informed public discussion about the issue and anti-death penalty activists and relatives of death row prisoners campaigning to save the lives of their loved ones have been harassed and intimidated. For example, in December 2003 the authorities stopped the conference “Death Penalty: Analysis, Tendencies and Realities” organized by the Uzbekistan-based non-governmental group Mothers against the Death Penalty and Torture scheduled to take place in Tashkent on 5 December 2003. The conference was aimed at initiating a public debate about the death penalty and at creating a platform for dialogue with the authorities. The group had invited representatives of the authorities, foreign diplomats, representatives of intergovernmental organizations as well as local and international human rights activists to speak at the conference. In addition, the group found it was almost impossible to get material for the conference printed, including the group’s latest bulletin and Amnesty International’s November 2003 report “*Justice only in heaven*” – *the death penalty in Uzbekistan*. Several printing houses refused, fearing reprisals by the authorities.

At 6am on 29 September 2004 an investigator from Mirobad district procuracy in Tashkent came to the house of the mother of Tamara Chikunova, director of Mothers against the Death Penalty and Torture. The investigator told the 78-year-old woman, who is confined to her bed, that he had an arrest warrant for her daughter on accusations that she had carried out pickets which led to unrest in the Ferghana valley and in Tashkent. There were strong indications that the authorities targeted her mother to put pressure on Tamara Chikunova, who was in the Netherlands at the time on a lobbying tour organized by Amnesty International in cooperation with other non-governmental organizations.

On 21 December 2004 Erkin Khudoberganov, the father of anti-death penalty activist Dilobar Khudoberganova, received a phone call from a man who introduced himself as a “National Security Service official”. He said that Dilobar Khudoberganova “talks too much” and warned that Erkin Khudoberganov should “think about the consequences her activities could have for his family”. The caller specifically criticized Dilobar Khudoberganova for giving interviews to the *BBC* and *Radio Liberty*, which, he said, the National Security Service had recorded, and for raising human rights issues on the lobbying tour in European countries that took place from September to December (see above).

RECENT EXECUTIONS DESPITE INTERVENTIONS BY THE UNITED NATIONS HUMAN RIGHTS COMMITTEE

In September 1995 Uzbekistan ratified the Optional Protocol to the ICCPR (Optional Protocol) and thereby recognized the competence of the (UN) Human Rights Committee to consider communications from individuals subject to Uzbekistan’s jurisdiction who claim to be victims of violations of rights set out in the Covenant.

Since then the (UN) Human Rights Committee has requested the stay of execution in dozens of cases while the Committee was considering allegations that provisions set out in the ICCPR have been violated in these cases. Amnesty International welcomes the reversal to prison terms of at least 14 death sentences where the (UN) Human Rights Committee intervened. However, the organization is concerned that at least 15 death row prisoners have been executed while the cases were still under consideration by the Committee.

The executions that took place while the Committee was considering the cases have led to serious criticism by the international community including the UN High Commissioner for Human Rights and the UN Special Rapporteur on torture. In March 2005 the (UN) Human Rights Committee considered Uzbekistan’s second periodic report on the country’s observance of provisions set out in the ICCPR and paid special attention to the death penalty. Among others it concluded that Uzbekistan “should adhere to its obligations under the Covenant and the Optional Protocol [...] and take the necessary measures to avoid similar violations in future”.⁶

A recent case of blatant disregard of the (UN) Human Rights Committee’s request to stay an execution is the case of **Akhrorkhuzha Tolipkhuzhaev**. In a press release on 14 April the (UN) Human Rights Committee addressed Akhrorkhuzha Tolipkhuzhaev’s case and stated that “non respect by a State party of requests for interim measures of protection constitute a grave breach of the State party’s obligations under the Optional Protocol to the Covenant”.

On 21 March 2005 the Uzbekistani authorities assured the (UN) Human Rights Committee that death row prisoner Akhrorkhuzha Tolipkhuzhaev was still alive. However,

⁶ Refer to footnote 3.

Amnesty International obtained evidence that he had been executed at the beginning of March. In May 2004 the Committee had requested the Uzbekistani authorities to stay the execution of Akhrokhuzha Tolipkhuzhaev while it considered allegations that serious violations of the ICCPR had taken place in this case.

As is usual practice in Uzbekistan, Akhrokhuzha Tolipkhuzhaev was executed in secret. On 14 March Akhrokhuzha Tolipkhuzhaev's father came to visit his son, having previously obtained official permission to do so. The prison guards refused to let him in, without giving any reason. The following day, prison guards refused to allow Akhrokhuzha Tolipkhuzhaev's lawyer to meet him, saying that his client was no longer registered on death row in their prison. When meetings with death row prisoners are prevented in this way, it often indicates that the execution has already taken place. On 6 April Akhrokhuzha Tolipkhuzhaev's father received a death certificate confirming that his son had been executed five weeks earlier, on 1 March.

Akhrokhuzha Tolipkhuzhaev had been sentenced to death by the Military Court of Uzbekistan on 19 February 2004, convicted of killing two minors in July 2001. He was arrested in Kazakhstan, where he was working at the time, and handed over to the Uzbekistani authorities on 13 September 2002. There are strong indications that he was tortured while in the custody of Tashkent city police. Several police officers reportedly lifted him up by his arms and legs and smashed his body on the concrete floor several times. As a result Akhrokhuzha Tolipkhuzhaev's showed blood in his urine, which may indicate kidney damage. When he was put on trial, the court reportedly ignored his allegations of torture by police.

In another case, **Azizbek Karimov** was executed in secret in August 2004 despite an intervention by the (UN) Human Rights Committee on 3 June urging the Uzbekistani authorities to stay his execution while the Committee was considering allegations that his arrest and sentencing violated key principles of international law. His execution was a serious breach of Uzbekistan's treaty obligations. However, Tukhtapulat Riskiev, the Ambassador of Uzbekistan to the United Kingdom, informed Amnesty International in a letter of 5 November 2004 that "*taking into account very seriousness of crimes the Court decided implement death penalty to Azizbek Karimov*".

Azizbek Karimov had been sentenced to death by the Supreme Court of Uzbekistan in February 2004 on charges including "terrorism" and setting up or participating in a religious extremist organization. His family was reportedly not permitted to see him for several months after his arrest. It was also alleged that he was tortured and ill-treated while kept in the detention facilities of the Security Service in Tashkent.

CASE EXAMPLES OF PRISONERS CURRENTLY ON DEATH ROW

Amnesty International continued to receive reports that people were sentenced to death in trials accompanied by allegations of serious violations of international fair trial standards including torture and ill-treatment to extract “confessions”.

Case examples of several people who are currently on death row are described below. Other prisoners known to be currently on death row are: Ismatillo Abasov, Fayziddin Alimov, Shamil Baybulatov, Ilyas Ibragimov, Shukrullo Inogamov, Rustam Makhkamov, Bakhtiyor Narkhodzhaev, Farid Nasibullin, and Sherali Zhuraev. It is believed that many more men are on death row in Uzbekistan. However, as the authorities continue not to publish comprehensive statistics on the death penalty the exact number of pending cases is not known. Amnesty International’s knowledge about individual cases is based on information published in local and international news media, and on documentation provided by lawyers, human rights activists and families. However, the domestic media cover only a fraction of all cases, and it is very likely that most death row prisoners and their families do not have access to individuals or organizations that will record, disseminate information about or take action on their case. In addition, many families deliberately do not engage lawyers who would mount a defence that might be considered too challenging by the authorities or who would approach international organizations, fearing repercussions from the authorities.

The case of Iskandar Khudoberganov

Iskandar Khudoberganov, born in 1974, was detained in Tajikistan and handed over to Uzbekistani law enforcement officers on 5 February 2002 on suspicion of involvement in bomb explosions in Tashkent in February 1999. On 12 February 2002 he was reportedly transferred from the Ministry of Internal Affairs to the headquarters of the National Security Service in Tashkent. His family was notified of his detention by a state-appointed lawyer only on 18 March, and was allowed to visit him for the first time on 5 April. He reported in a letter smuggled to his family during the trial that while in pre-trial detention he had been tortured and given drugs against his will:

“They tortured me to force me to ‘confess’ to all the charges they have come up with. If I had not signed the ‘confession’ in the end, I would not be alive anymore. Everything inside me feels smashed... In the basement of the Interior Ministry ... they tied my hands from behind, hit me with truncheons and chairs and kicked me in the kidneys. They hit my head against the wall until it was bleeding. They did not let me sleep... they did not give me food, to force me to ‘confess’. They said: ‘Think of your relatives, your mother, your wife, your sister; think of their honour. We will bring them here and rape them in front of your eyes.’ Only then I gave in and signed what they wanted me to sign... I hoped for a fair trial and because of that endured all sufferings and torture.”

Iskandar Khudoberganov and five co-defendants were brought to trial in August 2002 in Tashkent city court on charges of “attempting to overthrow the constitutional order” and “setting up an illegal group”. Iskandar Khudoberganov was additionally charged with the capital offences of “premeditated, aggravated murder” and “terrorism”, accused of receiving military training in Chechnya (in Russia) and in Tajikistan aimed at overthrowing the government of Uzbekistan.

Iskandar Khudoberganov and co-defendants Bekzod Kasymbekov and Nosirkhon Khakimov told the court that they had been tortured and ill-treated. Iskandar Khudoberganov said that guards tore up several written complaints, including of torture, which he had tried to lodge in pre-trial detention. One prosecution witness, Farkhad Kadyrkulov, retracted in court a statement made earlier to the police on the grounds that he had been put under pressure to make false statements. The judge reportedly dismissed all allegations of torture and ill-treatment, accusing the defendants of “*making up*” the allegations to “*get away from criminal responsibility*”.

The six accused were convicted on 28 November 2002. Iskandar Khudoberganov was sentenced to death and the others received prison terms of between six and 16 years. Appeals against the sentences were turned down on 28 January 2003 by the Presidium of Tashkent city court. The Collegium of judges of the Supreme Court and the Presidium, one of the highest organs of the Supreme Court, later also turned down appeals against the death sentence.

In November 2002 the (UN) Human Rights Committee urged the Uzbekistani authorities to put the execution on hold while the Committee considered the case, and the UN Special Rapporteur on torture also raised the case during his visit to Uzbekistan in November and December 2002. In January 2004 the (UN) Human Rights Committee passed on a letter to Iskandar Khudoberganov’s family that the Committee had received from the Supreme Court. The letter stated that Iskandar Khudoberganov would not be executed while his case was under consideration by the Committee.

Iskandar Khudoberganov requested several times to talk to an imam or another Muslim religious representative. However, although according to Article 137 of the Criminal-Execution Code of Uzbekistan death row prisoners are entitled to a visit by a minister of religion, he did not receive permission. When it became clear he would not be able to talk to a Muslim representative he requested a meeting with a Russian Orthodox priest. The meeting took place in July or August 2004. His sister Dilobar Khudoberganova told Amnesty International in October 2004: “*He was so happy when the priest came and the visit gave him new strength. The priest gave him blessed water. Iskandar took it to his cell and drank it together with his cellmate Shukrullo Inogamov.*” She added: “*Imagine, he was sentenced for ‘religious extremism’, but I have never seen any aggression in Iskandar against other religions. He always said that God is one, we just have different paths to him and we pray differently.*”

Iskandar Khudoberganov is believed to be in very poor health. While on death row he developed tuberculosis. Dilobar Khudoberganova told Amnesty International in August 2005:

“We bring him medicine but that doesn’t help because his cell is very stuffy and he would need good food to recover but the food on death row is miserable.”

The case of Aleksey Buryachek

Aleksey Buryachek, born in 1976, was sentenced to death by Tashkent city court in January 2003. He was convicted of the July 2002 murder of a woman and her daughter, both known to him.

He was reportedly beaten by police after his detention to force him to “confess” to the murders. It is alleged that when he denied involvement in the murders, police beat his girlfriend Lyubov Bogomolova, who was eight months’ pregnant at the time, in front of him. The police reportedly threatened that they would beat her until she gave birth and then they would strangle the baby in front of his eyes. Reportedly, Aleksey Buryachek signed the “confession” to stop the beatings and intimidation of his girl-friend. Although he reportedly retracted his “confession” in court detailing his allegations of torture and ill-treatment, no investigation was believed to have been conducted into the allegations.

There were allegations that after the trial officials from the office of the procuracy visited Aleksey Buryachek in Tashkent prison offering that if he signed a “confession” to another murder he would be acquitted for the murder he had been sentenced for. The officials reportedly promised that he would not be sentenced to death for the second murder and threatened that if he did not agree to this deal, he would have no chance to have his death sentence overturned. Reportedly, when he later understood that the officials would not keep their word, he damaged his eyes in protest in October 2003 and became blind. Reportedly, he was only given medical treatment after persistent protest by his mother. A new criminal case was opened against him accusing him of further crimes and, on 29 December 2003, Tashkent city court again pronounced a death sentence. The appeal board of Tashkent city court endorsed the verdict in March 2004. The (UN) Human Rights Committee requested the authorities of Uzbekistan to stay his execution while the Committee was considering allegation of violations of the ICCPR.

The case of Sodik Kodirov

Sodik Kodirov, born in 1974, was sentenced to death on charges including “premeditated, aggravated murder” by Tashkent city court on 7 December 2003.

Sodik Kodirov’s mother told Amnesty International: *“During the investigation my son wasn’t only tortured, he was also raped ... When I saw my son in detention on 10 June 2003, he didn’t even recognize me. He was so badly beaten that he couldn’t walk unaided...”* She alleges that investigators used a sharp object to injure her son: *“When I saw him he had cuts all over his body as a result of the torture.”* She added: *“My son spoke about the torture in court but the judge simply ignored his words and said he was trying to escape responsibility.”*

His mother also reported that the judge told her not to attend the trial: "If I attend the trial, he said, the relatives of the victims would kill me and my son right there in court. He told me to think of my other four children as Sodik would die anyway."

On 12 May 2004 the (UN) Human Rights Committee urged the Uzbekistani authorities to stay Sodik Kodirov's execution while the Committee considered allegations that he had been tortured, and suffered other serious human rights violations.

When his mother visited Sodik Kodirov in prison on 14 October he told her that prison officials had threatened him: "*You will not live longer than 12 November. The stay of your execution requested by the United Nations runs out that day.*" There was no way of knowing whether the execution was indeed scheduled for that day or whether the prison officials had made up the date to scare him as in Uzbekistan neither the death row prisoner nor his lawyer or his family are entitled to know the date of the execution in advance. The (UN) Human Rights Committee is still considering Sodik Kodirov's case.

The case of Shukhrat Aripov

Shukhrat Aripov, born in 1969, was sentenced to death on charges including "premeditated, aggravated murder" by a court in Tashkent on 6 January 2004. Shukhrat Aripov was reportedly severely beaten by police following his detention.

On 18 May 2004 the (UN) Human Rights Committee urged the authorities of Uzbekistan to stay his execution while the Committee considered allegations that he had been tortured, and suffered other serious human rights violations.

Shukhrat Aripov's parents had official permission to visit him in Tashkent prison on 14 October 2004. However, when they arrived, prison officials would not let them see him. Amnesty International has documented dozens of cases in which relatives were denied access because their sons or husbands had been secretly executed. Mayra Rakhmanova, a member of the Uzbekistan-based group Mothers against the Death Penalty and Torture, told Amnesty International: "*His parents were in a state of shock. Shukhrat's father fell ill and couldn't leave the house for several days.*" Dilobar Khudoberganova, also a member of Mothers against the Death Penalty and Torture, told Amnesty International: "*We have been told that several death row prisoners were severely beaten by prison guards recently. So maybe the parents weren't given access to Shukhrat so that they wouldn't see his injuries. We have to hope that this is the case.*"

Later in October Amnesty International was able to confirm that Shukhrat Aripov was still alive on death row. When his parents went to the prison again on 21 October to try to find out whether their son was still alive prison officials immediately granted them access to him. It was not explained to his parents why they had not been allowed to see him the previous week. "*When prison guards opened the door of his cell they didn't tell him that it was to take him to see his parents. He thought they were taking him to execution*", said Mayra Rakhmanova.

The case of Nazirzhan Azizov, Khurshidbek Salaidinov and Bakhtiorzhan Tuichiev

Nazirzhan Azizov, Bakhtiorzhan Tuichiev and Khurshidbek Salaidinov, born in 1972, 1983 and 1974 respectively, were sentenced to death by Andizhan regional court on 22 October 2004 on charges including “premeditated, aggravated murder” in a trial that reportedly fell far short of international standards. The families of Bakhtiorzhan Tuichiev and Khurshidbek Salaidinov claimed that they had been beaten so badly in custody that they were unable to move for several weeks. They were not allowed to meet with lawyers hired by their families, and were only able to meet with a state-appointed lawyer after they had been in custody for a month. According to Mothers against the Death Penalty and Torture, “*all accusations against the men are based on information extracted under torture*”. All three alleged in court that they had been tortured to make them sign “confessions” to the murders, but the court failed to investigate their claims. Appeals against their sentences were turned down by the appeal board of Andizhan regional court and by the Supreme Court on 14 December 2004 and 8 February 2005 repeatedly. In January 2005 the (UN) Human Rights Committee urged the Uzbekistani authorities to stay the executions of the three men, while it establishes whether provisions of the ICCPR were violated in their cases.

The three death row prisoners were held in the prison in the town of Andizhan. During the Andizhan events, on the night of 12-13 May 2005, Khurshidbek Salaidinov and Nazirzhan Azizov were among reportedly hundreds of prisoners freed by a group of unidentified armed men who broke into the jail of Andizhan,⁷ where they were kept on death row. Bakhtiorzhan Tuichiev remained in the prison because he has been seriously ill and unable to walk. About a week later Khurshidbek Salaidinov and Nazirzhan Azizov voluntarily returned to the prison. All three men were transferred to death row in Tashkent prison on 29 May.

The case of Yuldash Kasymov

Yuldash Kasymov, born 1985, was sentenced to death by Tashkent city court on 3 March 2005, convicted of killing his parents. The sentence was confirmed by the Supreme Court on 10 June. There were allegations that he was brutally beaten during interrogations. Reportedly, his brother Mansur Kasymov was also beaten. The purpose was believed to have been to force either one of the brothers to plead guilty. Reportedly, as a result of the pressure, Yuldash Kasymov signed the confession statement. In court a video was reportedly shown of the investigators taking Yuldash Kasymov to the crime scene and it was visible that his face was covered in bruises. Yuldash Kasymov’s girlfriend was reportedly beaten to punish her for insisting that he was innocent, and he was told she would be raped in front of him if he did not “confess”.

The lawyer who was hired by the family was only able to get access to Yuldash Kasymov after at least 10 days, when he had already signed the statement. Yuldash Kasymov

⁷ For background information on the May 2005 events in Andijan, refer to footnote 1.

immediately retracted his “confession” in a letter to the relevant procurator and insisted he was innocent. According to Tamara Chikunova, director of Mothers against the Death Penalty and Torture, the police did not conduct a thorough and impartial investigation into the death of Yuldash and Mansur Kasymov’s parents and did not follow up on evidence found during the examination of the crime scene such as 23 fingerprints in the bedroom, where the parents were killed, that did not belong to the Kasymov brothers.

In April the (UN) Human Rights Committee lodged a request with the Uzbekistani authorities on behalf of Yuldash Kasymov to stay his execution while it establishes whether provisions of the ICCPR were violated in his case.

The case of Alisher Khatamov

Alisher Khatamov, born 1978, was sentenced to death by Tashkent regional court on 16 March 2005 for “premeditated, aggravated murder”, and the sentence was confirmed by the Supreme Court on 14 June. Reportedly, officers of Bukinsky district police and the regional police of Tashkent beat Alisher Khatamov’s mother and father, his sister and his brother. Both Alisher Khatamov and his father were reportedly threatened that the women in the family would be raped unless Alisher Khatamov “confessed” to having committed the crime. As a result of the ill-treatment, the father’s face was reportedly covered in bruises. The father reported that he could hear Alisher Khatamov’s cries of pain in the next room. Alisher Khatamov’s lawyer reportedly only got access to him two weeks after he was detained. The family complained about the beatings during the trial, but their allegations are said to have been ignored by the court.

In May the (UN) Human Rights Committee lodged a request with the Uzbekistani authorities to stay Alisher Khatamov’s execution while it establishes whether provisions of the ICCPR were violated in his case.

RECOMMENDATIONS

Recommendations to the government of Uzbekistan

- Amnesty International urges the authorities of Uzbekistan to promptly commute all pending death sentences to terms of imprisonment and introduce a moratorium on death sentences until the death penalty is fully abolished on 1 January 2008, as stipulated in the 1 August 2005 Presidential decree;
- the authorities should implement without delay all recommendations made by the UN Special Rapporteur on torture in his February 2003 report as well as the recommendations made by the (UN) Human Rights Committee and the (UN) Committee against Torture.

Transparency and humanity:

- Ensure that relatives are not targeted because of their family relationship with a person charged with a criminal offence punishable by death;
- Investigate all allegations of torture and ill-treatment, intimidation and harassment of family members and bring those found responsible to justice in fair trials;
- Take all appropriate measures to end the cruel, inhuman and degrading treatment of relatives of death row prisoners;
- Ensure that relatives of a prisoner under sentence of death are kept fully informed about every stage in the proceedings. They should be informed of the prisoner's exact whereabouts at all times and be given advance notice of any transfer. They should be fully informed about the progress of the person's appeal and petition for clemency, reports presented to the Clemency Commission and the reasoning behind any decision to support or reject the petition. In the event of an unsuccessful appeal and/or clemency petition, relatives must be informed of when the execution will take place, to give adequate time to say goodbye in appropriate surroundings and to know when the execution has been carried out. They should be allowed to collect the prisoner's body and personal effects, and to bury the body. Relatives must be afforded the opportunity to regularly meet the prisoner at all stages after the death sentence has been passed;
- Ensure that the relatives of all prisoners already executed in Uzbekistan and who wish to know the date and place of the execution as well as the place of burial are given this information without delay; in addition, enable them to collect the prisoner's remains and any remaining personal effects. Arrange for reburial, if requested by the family;

- Publish all directives and legislation relevant to the application of the death penalty;
- End the secrecy surrounding statistics on the application of the death penalty and make publicly accessible the number of death sentences passed and carried out every year, giving full information on the names of the accused. Such practice would be in line with Uzbekistan's commitments under Paragraph 17.8 of the 1990 Copenhagen Document as a participating state of the OSCE, as well as with requests by the (UN) Human Rights Committee, the (UN) Committee against Torture and the UN Special Rapporteur on torture;
- Make public information about the Clemency Commission, its composition, functions and how it organizes its work. Make public the number of cases it has considered, the criteria it has used and those it has recommended for pardon since it was established, giving full information on the names and cases of the people involved.

Ensuring fair trial:

- Ensure domestic law and practice is in line with international human rights standards and Uzbekistan's obligations under the international treaties to which it is party, in particular Articles 6, 7, 9 and 14 of the International Covenant on Civil and Political Rights. These obligations include:
 - to ensure and respect judicial supervision of arrest and continuing detention;
 - the right to trial within a reasonable time or release;
 - the presumption of innocence;
 - the right of all detainees to access to a lawyer without delay following detention and during all questioning;
 - public trial before a competent, independent and impartial court;
 - the right of all persons charged with a criminal offence not to incriminate themselves or testify against themselves;
 - adequate time and facilities to prepare a defence.
- Ensure that the independence of the judiciary is not undermined by corruption. Investigate thoroughly and impartially all allegations of illegal corrupt practices that come to your attention and bring those responsible to justice;
- Ensure that mentally ill people are not sentenced to death and executed and introduce safeguards to ensure that allegations of mental disability are investigated promptly and impartially;
- Publish promptly objective sentencing criteria that courts should use in deciding whether or not to impose a death sentence;

- Introduce a clear and reliable procedure to ensure that requests for a stay of execution by the (UN) Human Rights Committee are immediately conveyed to all law enforcement bodies and the personnel immediately involved in executions. Ensure compliance with such requests;
- Reconstitute the Clemency Commission on an independent basis. The Commission should work according to transparent criteria, and should engage with the media and public on ways to humanize the penal system. Ensure that all prisoners under sentence of death are fully apprised of the information about them being put to the Commission and to the President, have an opportunity to challenge this information and to make their own presentations. When the Commission recommends that clemency should not be granted, it should inform the condemned person and their lawyer of its reasons, ensuring that they have reasonable time and facilities to challenge the grounds of refusal before the President in advance of his final decision on clemency;
- Establish a commission of authoritative independent experts to examine all allegations of torture. Ensure that their working methods include receiving testimony from unofficial as well as official sources. Ensure that reports of the commission's working methods, the scope of its investigations and its findings in each case are published without delay. Ensure that prosecutions are initiated against anyone reasonably suspected of responsibility for torture or ill-treatment, and that they are brought to justice through proceedings that meet international standards of fairness and do not impose the death penalty;
- Should the commission confirm that torture has taken place, it should prepare a blueprint for reforms that would eradicate the practice in future. These should ensure respect for rights protected under international treaties -- such as the International Covenant on Civil and Political Rights and the UN Convention against Torture -- as well as non-treaty standards, such as the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Body of Principles for the Protection of All Persons under Any Form of Detention;
- Ensure reparation -- including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition -- to individuals who have been subjected to torture, or to their surviving relatives.

Recommendations to the authorities of Kazakstan, Kyrgyzstan, the Russian Federation, Tajikistan and Turkmenistan

- The authorities of the Russian Federation should immediately revise their extradition practices so that prisoners are not extradited to any country where they may face a death sentence applied in a way that is prohibited by Article 3 of the European Convention of Human Rights;

- The authorities of Kazakstan, Kyrgyzstan, the Russian Federation, Tajikistan and Turkmenistan should immediately revise their extradition practices towards Uzbekistan, in line with their treaty obligations under the UN Convention against Torture. According to Article 3, State parties are obliged to refrain from returning a person to a state “*where there are substantial grounds for believing that he would be in danger of being subjected to torture*”, and State parties are required to take into account information about the “*existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights*”.