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<u>Procurator General of Tajikistan</u> B. Kh. BOBOKHONOV g. Dushanbe pr. A Sino 126 Prokuratura Respubliki Tajikistan Generalnomu prokuroru BOBKHONOVU B. Kh.	

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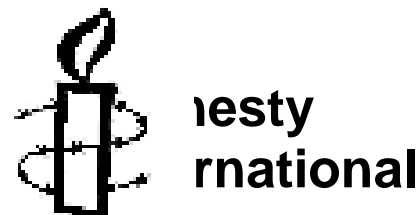
TAJIKISTAN

Death Penalty appeal cases



Street scene near the Tajik Supreme Court in Dushanbe where the case against Rahmatullo Tashripov opened © AI

The case of Rahmatullo Tashripov



THE CASE OF RAHMATULLO TASHRIPOV

Almost nothing is known about the case of Rahmatullo Tashripov, who was sentenced to death in Dushanbe on 12 June 2002, because his trial was held behind closed doors – and not in a courtroom, but in the Investigative Isolation Prison where he was detained before trial. Amnesty International is seeking further information about all aspects of his case.

Two avenues are open to Rahmatullo Tashripov now. As his case was heard by a chamber of the Tajik Supreme Court, he has the right to appeal against his sentence before the Supreme Court sitting in full session. Should this prove unsuccessful, he may petition President Rakhmonov to grant clemency and commute his death sentence to imprisonment. According to a new law of 2001, he should learn the outcome of any clemency petition within four months of submitting it.

There is also a third possibility. The State Prosecutor – known as the Procurator General – might contest the severity of the sentence that has been passed on him and call for it to be reduced to imprisonment. In 2001 there were reportedly three such cases and, in each, the procuracy succeeded in having death sentences passed by the Supreme Court reduced to terms of imprisonment. This option, however, is outside the control of Rahmatullo Tashripov and his lawyer. It can be exercised solely at the discretion of the procuracy.

Paradoxically, in view of the secrecy surrounding him, Rahmatullo Tashripov is part of a political case of national significance in Tajikistan. It involves no fewer than 19 prominent co-defendants and includes the former head of Soghd region in northern Tajikistan and member of the national parliament, Abdujalil Homidov. Rakhmatullo Tashripov is the only one who was sentenced to death.

The trial opened in the building of the Tajik Supreme Court on 31 January 2002, but was transferred on 7 February to the prison premises – in the words of the trial judge “because of the risk that the defendants would escape”. The Head of the OSCE Mission in Tajikistan immediately wrote to the Chair of the Supreme Court, pointing out that even in prison surroundings, court sessions can be held in public, and asking for the opportunity to send observers. His request was not granted.

The lead figures in the case were found guilty of accumulating weapons illegally and planning to overthrow President Rakhmonov’s government, according to a long report in the crime programme “*Iztirob*” (“*Anxiety*”) that was broadcast on the state-run TV channel on 17 June 2002. Rahmatullo Tashripov’s part in the alleged plot is totally unclear. “*Iztirob*” said in passing only that he had been convicted of “brutal acts”.

Secrecy blights the criminal justice system in Tajikistan and especially cases that involve the death penalty. In a recent TV programme in which the State Prosecutor agreed to speak about changing patterns of criminality between 2000 and 2001, he refused to say how many people are currently imprisoned in Tajikistan because it is “secret data”. The numbers of death sentences and executions are also classified as state secrets. When Amnesty International attempted to verify the list of what is legally considered to be secret, it discovered that the register of official secrets is itself a secret.

Please send appeals to the Chair of the Tajik Supreme Court, using the addresses at the back of this leaflet,

- **asking** for a copy of the court verdict in the case of Rahmatullo Tashripov, and for details of the exact charges against him.
- **expressing** concern that despite the gravity of the case and the sentence handed down, the trial against Rahmatullo Tashripov was held behind closed doors.

Please send appeals to the Procurator General of Tajikistan, using the addresses at the back of this leaflet,

- **commending** the way in which his office has acted in 2001 in some capital cases to soften the severity of sentences passed by the Supreme Court .
- **urging** him to initiate an immediate review of this case

In addition, please send appeals to President of Tajikistan, using the addresses at the back of this leaflet,

- **pointing** out that clemency is the prerogative of the powerful, and urging him to institute an immediate moratorium on death sentences and executions, in line with UN requirements for states that retain the death penalty.

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<p><u>President of Tajikistan,</u></p> <p>I Sh. RAKHMONOV Respublika Tajikistan g. Dushanbe pr. Rudaki 80 Apparat Prezidenta Respubliki Tajikistan Prezidentu RAKHMONOVU I. Sh.</p> <p>Fax: [00 992 372] 21 51 10</p>	<p><u>Chair of the Supreme Court of Tajikistan</u></p> <p>U.A. DAVLATOV Respublika Tajikistan g. Dushanbe ul. N. Karabayeva 17 Verkhovny Sud Respubliki Tajikistan Predsedatelyu DAVLATOVU U. A.</p>
<p><u>Deputy Chair of the Clemency Commission of Tajikistan</u></p> <p>G. SHARIPOVA Respublika Tajikistan g. Dushanbe pr. Rudaki 42 Komissiya po voprosam pomilovaniya Zam. Predsedatelyu SHARIPOVOY G.</p> <p>Fax: [00 992. 372] 21 40 29 and 21 05 75</p>	

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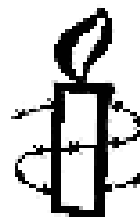
TAJIKISTAN

Death Penalty appeal cases



The father of Saidamir Karimov, who was sentenced to death in Dushanbe in March 2002, reportedly after being tortured to confess. He has petitioned the President to grant clemency to his son © AI

The case of Saidamir Karimov



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THE CASE OF SAIDAMIR KARIMOV

Saidamir Karimov was sentenced to death in Dushanbe on 27 March 2001 although 13 witnesses said that he had been nowhere near the place where the crime was committed. The only person to testify against him withdrew his evidence in court and said it had been extorted under torture.

Saidamir was one of seven people charged with murdering the former deputy Interior Minister, Habib Sanginov, on 11 April 2001. Six were convicted solely on the testimony of one man, Kiemmidin Mirzoyev, who later retracted his evidence in court. According to an international observer who was monitoring the trial, Kiemmidin Mirzoyev announced at the hearing on the afternoon of 26 February : “I say officially that I slandered every one of the accused, because I was forced to”. He claimed that he had been raped with a truncheon and other objects, and had had his toes and fingers electrocuted. The court discounted his claim on the grounds that it had not been submitted on paper through the procuracy, the body that supervises prison conditions.

Saidamir Karimov consistently denied any involvement in the murder and was supported by 13 witnesses from his village in Pyanzh, who said he had been at home all the time from 7 to 19 April 2001, helping his mother water her land. On 20 April he had left for a job in Moscow, where he was arrested by Russian Federation police and extradited to Tajikistan on 14 May.

Three of his co-defendants were relatives from the same district on the Afghan border: his cousin, Said Rizvonzoda, and the brothers Nazar and Abdulmajid Davlatov. All of them denied the charges against them and were sentenced to death.

A total of seven people from Pyanzh were rounded up on 20 April 2001 in connection with the murder, according to Saidamir’s father. He himself was put in Temporary Detention Premises (PVS from the Russian initials) for 27 days in Dushanbe and says he was beaten several times by investigators. When he asked for a letter to explain his absence to his employers he was refused. He believes that no record of his detention exists. Two of his other sons were taken off a bus, detained, and also allegedly beaten. When Saidamir Karimov was brought from Moscow, he was told that his mother would be detained too if he did not agree to sign a prepared statement. He signed it.

Saidamir Karimov and his relatives claimed in court that they had been tortured in detention, with beatings and electric shocks to the anus, genitals, fingers, nose and ears. Another defendant had written three complaints to the procuracy from

his cell about his treatment, but received no response. The court did not suspend proceedings to allow for these allegations to be investigated.

Saidamir Karimov and his relatives were accused of carrying out the murder, allegedly plotted by Kiemiddin Mirzoyev with weapons supplied by a former commander of the United Tajik Opposition (UTO) who was working in the government under the power-sharing agreement that ended the civil war. The two people allegedly behind the murder plot received terms of imprisonment as demanded by the prosecution. In a televised speech days before the trial, the chief State Prosecutor described each defendant as “guilty beyond doubt” and accused the murder victim himself of drug-dealing – which provoked protests from his family.

Saidamir Karimov’s appeal was rejected on 29 May 2002 and his father Makhmadnain immediately petitioned President Rakhmonov to grant him clemency. They will know within months whether they have been successful.

Please send appeals to the Chair of the Supreme Court of Tajikistan using the addresses at the back of this leaflet,

- **requesting** a copy of the court judgment in the case of Saidamir Karimov. Refer to the illegal pressures reportedly put on the accused and the main prosecution witness, and express concern that the court did not immediately suspend the hearing to allow for these to be thoroughly investigated.

Please write to the Deputy Chair of the Clemency Commission of Tajikistan, using the addresses at the back of this leaflet,

- **urging** the commission to commute the death sentence passed on Saidamir Karimov and his three co-defendants.

In addition, please send appeals to President of Tajikistan, using the addresses at the back of this leaflet,

- **pointing** out that clemency is the prerogative of the powerful, and urging him to institute an immediate moratorium on death sentences and executions, in line with UN requirements for states that retain the death penalty.

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<p><u>Procurator General</u></p> <p>B.Kh. BOBOKHONOV g. Dushanbe Pr. A Sino 126 Prokuratura Respubliki Tajikistan Generalnomu prokuroru BOBKHONOVU B. Kh.</p>	

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The checkpoint at the SIZO - or investigative isolation prison - in Dushanbe, where relatives wait to be admitted on visits. Many prisoners on capital charges have been held here, and some are credibly reported to have been tortured. © AI

The case of Bakhriddin Sangov



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THE CASE OF BAKHRIDDIN SANGOV

Bakhriddin Sangov has been in the Dushanbe Investigation and Isolation prison since July 2001. Throughout his detention alarming reports have reached the outside world about his treatment.

He was arrested from his bed and taken for questioning at a police station and then in the prison, where he remained for nearly two months before being formally charged on 16 September 2001 and given access to a defence lawyer for the first time.

In the initial days of his detention in the Railway District police precinct, Bakhriddin Sangov claims that he was savagely beaten by two officers whom he has identified by name. He alleges that the same men then used the wires of a military field telephone to apply electric shocks to his body, traces of which are still visible on his wrists, according to his sister. While he lay semi-conscious on the floor, Bakhriddin Sangov claims that the two police officers removed his trousers and discussed raping him. One then inserted a truncheon into his anus. Bakhriddin Sangov says he has been in pain ever since this experience.

In prison his case has been under investigation by Interior Ministry Department No 6. His alleged torture is said to have continued at the hands of an investigator who is identifiable by name and has been cited in similar cases of brutality reported to Amnesty International. Amongst other things, Bakhriddin Sangov claims that 30 electric shocks were administered under his finger nails until he signed the charge sheet.

Bakhriddin Sangov now awaits trial on charges that carry the death penalty: “banditry” and “avenging a public figure with terrorist acts”. He is accused of causing a series of politically motivated explosions in public buildings throughout the city in 1999, including in Dushanbe’s Ballet and Opera House, and its main shopping centre. According to his relatives, he left the country for Moscow in 1992 when civil war broke out and returned only in July 1999 when his father died in Dushanbe, and a peace process had been established in the country.

Amnesty International knows that from September 2001 onwards, relatives and international observers wrote at least five complaints to appropriate authorities about Sangov’s alleged ill- treatment. They were addressed to the Interior Ministry, who investigated his case, and to the Procuracy, which is responsible for making sure that laws are observed in prison and elsewhere.

Amnesty International has a copy of the reply the Dushanbe Procurator wrote on 5 October – before Bakhriddin Sangov had appeared before any court to answer the charges against him. It says: “B. N. Sangov completely confessed his guilt. His guilt is entirely proved by the materials of the criminal case” and continues: “No illegal methods were used when he was in detention, and in the view of the officers cited [in the complaint], Mr Sangov is making these allegations as a way of evading criminal responsibility”. The other replies were briefer and also found the complaints ungrounded.

On 20 June 2002 the Tajik Interior Minister said at an international press conference in Dushanbe that “torture is rare” in Tajikistan, and punished hard wherever it is found to have occurred. A Tajik defence lawyer at the conference publicly disagreed and urged the government to remove detention facilities from the control of the Interior Ministry and the Procuracy – the agencies that are responsible for investigating crimes.

Please send appeals to the to the Procurator General, using the addresses at the back of this leaflet,

- **drawing** attention to the allegations of torture in the case of Bakhriddin Sangov and expressing concern that the reply of the Procurator of Dushanbe treated the defendant as guilty as charged.

Please write to the Chair of the Committee on Legislation and Human Rights, using the addresses at the back of this leaflet,

- **drawing** attention to the case of Bakhriddin Sangov and urging his committee to propose immediate reforms to the Tajik Code of Criminal Procedure.
 - *The Code of Criminal Procedure should include the right to have access to a defence lawyer from the first hours of detention – rather than, as now, from the time that charges have been brought*
 - *The Code of Criminal Procedure should also include the right of prisoners to have an independent court review the grounds for their arrest immediately. If convincing grounds do not exist, prisoners should immediately be released.*

In addition, please send appeals to President of Tajikistan, using the addresses at the back of this leaflet,

- **pointing** out that clemency is the prerogative of the powerful, and urging him to institute an immediate moratorium on death sentences and executions, in line with UN requirements for states that retain the death penalty.