

## "Justice only in Heaven" – End the death penalty in Uzbekistan

In November 2003 AI launched a series of actions including this web action to draw attention to the findings of AI's report *'Justice only in Heaven' - the death penalty in Uzbekistan* and to urge the Uzbek authorities to end the death penalty in their country. Since the launch of the action there have been a number of positive developments. The death sentences of two of the men featured in this action - Evgeny Gugin and Abror Isaev - have been commuted to imprisonment and the authorities have given assurances that Iskander Khudoberganov and Nodirbek Karimov will not be executed while their cases are under consideration by the United Nations Human Rights Committee (UNHRC). In recent years at least nine death row prisoners in Uzbekistan have been executed despite UNHRC interventions.

The number of articles in the Criminal Code punishable by death was reduced from four to two, dropping the Articles of "genocide" and "initiating or waging of an aggressive war." While this move was believed to be no more than cosmetic as these two Articles had not been in use, it showed nevertheless that the Uzbek authorities had been under considerable pressure with regard to the death penalty. As the authorities have not changed their policy on the death penalty significantly it is important to continue to campaign on this issue.

Scores of people are executed every year in Uzbekistan after unfair trials. 'Confessions' are routinely extracted under torture. Corruption is an integral part of the investigation, trial and appeal. The targeting of relatives of death row prisoners has in many cases involved torture, ill-treatment and rape threats.

The authorities continue to keep secret the number of death sentences and executions carried out in Uzbekistan. AI recorded 20 death sentences and 28 executions for 2003. However, local human rights groups believe that more than two hundred people are executed in Uzbekistan every year.

### **Update on death row prisoners Abror Isayev and Nordirbek Karimov**

On 27 April 2004 Abror Isaev's mother received a letter from the Supreme Court of Uzbekistan informing her that the Plenum of the Supreme Court had reduced her son's death sentence to 20 years' imprisonment.

"This means that God exists. I hope that all other death row prisoners will be given life also. Thank you so much for your support. I wouldn't have been able to go through all of this on my own," she told Amnesty International on 28 April.

Abror Isaev and Nodirbek Karimov were sentenced to death by Tashkent Regional Court on 23 December 2002 after they were convicted of killing two people in May 2002. Nodirbek Karimov, who admitted involvement in the killing, alleged that he had been beaten while in custody awaiting trial. Abror Isaev, who consistently maintained his innocence, was reportedly detained and beaten for a week to make him 'confess' to the crime.

In February 2003 the United Nations Human Rights Committee (UNHRC) urged the Uzbek authorities to stay both executions while they sought to establish whether provisions of the International Covenant on Civil and Political Rights had been violated during the investigation, trial and appeal process. In December

2003 the authorities assured the Committee that they would comply with the request for a stay of execution.

## **Death row prisoner Evgeny Gugin**

On 23 April 2004 staff at the Main Administration for the Execution of Punishments told Evgeny Gugin's mother that his death sentence had been overturned, and that he had been transferred from death row to the prison in the town of Andizhan in the Ferghana valley, near his home town, on 15 April.

"We cried and laughed for days and nights out of joy," said Evgeny Gugin's grandmother on 28 April. "We are so happy and want to thank everybody who made this possible."

Evgeny Gugin and his co-defendant Ilkhom Karimov were sentenced to death by Tashkent City Court on 28 October 2002, convicted of robbing and killing a woman and a man in Tashkent in April 2002. A co-defendant was sentenced to 20 years' imprisonment in a strict regime prison camp. Evgeny Gugin's mother claims that her son was beaten by police while he was in custody awaiting trial. He was reportedly told that his mother and younger brother would be killed if he did not 'confess' to the murder.

In December 2002 the United Nations Human Rights Committee (UNHRC) urged the Uzbek authorities not to execute the two men while their cases were under consideration by the Committee. Ilkhom Karimov's death sentence was commuted in February or March 2003. In January 2004 the Committee informed Evgeny Gugin's family that the Supreme Court of Uzbekistan had given assurances to comply with the Committee's request.

In December 2003 a Russian Orthodox priest was given permission to visit Evgeny Gugin, after repeated requests from the Central Asian diocese of the Russian Orthodox Church. To Amnesty International's knowledge this was the first time a death row prisoner in Uzbekistan was granted a visit by a representative of their faith. In March 2004 Evgeny Gugin was again able to see a Russian Orthodox priest, who baptized him.

## **Death row prisoner Iskander Khudoberganov**

We have no further update on this case (please see first web action)

### **Sample letter**

**Dear**

***I welcome the commutation of of Evgeny Gugin and Abror Isaev's death sentences. I also welcome the reduction in the number of articles in the Criminal Code punishable by death from four to two.***

***I urge you to provide assurances that Nodirbek Karimov and Iskandar Khudoberganov will not be executed while their cases are under consideration by the UNHRC. There are strong indications that these two men were tortured and ill-treated in detention.***

***I am deeply concerned that the application of the death penalty in Uzbekistan is surrounded by massive human rights violations including torture, unfair trials, and corruption, increasing the possibility of judicial error.***

***I am also shocked about the secrecy that surrounds the application of the death penalty in Uzbekistan. Families are not informed of the date of the execution in advance and have no chance to say good-bye to their loved ones; they are not allowed to bury their relative and are not even told the location of their graves. This secrecy unnecessarily increases the suffering and subjects the prisoners' family and friends to cruel and inhuman treatment.***

***It is high time to take more fundamental measures. I urge you to respond to this historical challenge and take immediate steps towards abolition by promptly imposing a moratorium on all death sentences and executions.***

***Yours sincerely,***