

EXTERNAL

3 September 1992

@Arkady Abramovich AYRIYAN

£Azerbaijani Republic

Amnesty International has learned that Arkady Abramovich Ayriyan, an ethnic Armenian, has been sentenced to death in the Azerbaijani Republic. The charge as well as the date and the place of the death sentence are not known. Although the information relating to the case of Arkady Ayriyan is scarce, it comes from a usually reliable source.

Arkady Ayriyan is said to be approximately 45 years old. He comes from the village of Nitky Noratakh in the Mardakert district of the disputed region of Nagorno-Karabakh. He was reportedly first held in the prison of the state security body in Baku after his arrest, where he was nicknamed Ayriyan-Napoleon. It is not known in which prison he is held presently.

Amnesty International opposes the death penalty in all cases and without reservation, on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights. Amnesty International is appealing to the authorities in the Azerbaijani Republic to commute the death sentence passed on Arkady Ayriyan.

Background information

In a letter to Amnesty International in September 1991 the Azerbaijani Minister of Justice wrote that abolition of the death penalty in the republic would be premature. Nevertheless, the Minister indicated that Azerbaijan would endorse the recent reduction in the number of capital crimes under the then USSR law when it adopted "in the future" a new republican criminal code. This republican criminal code would reduce the number of offences carrying the death penalty from 18 in peacetime to five; high treason, premeditated murder under aggravated circumstances, rape of a minor under aggravated circumstances, serious crimes committed against peace and humanity; and the kidnapping of children entailing grave consequences. In a follow-up letter to the Minister of Justice in April 1992 Amnesty International asked if the proposed exemption of women and minors from the death penalty and the proposed reduction outlined by the Minister had now passed into law in Azerbaijan.

The last execution in Azerbaijan known to Amnesty International took place in 1990, although in the absence of official statistics it is possible that there have been other executions since then.

Amnesty International currently knows of at least six other ethnic Armenians sentenced to death for murder in Azerbaijan and under threat of imminent execution. Armen Avanesyan is said to have been detained in Mineralnye Vody in the Russian Federation in July 1991 and returned to Azerbaijan where he was sentenced to death. He was accused of taking part in the bombing of a bus

travelling from Tbilisi, Georgia, to the town of Agdam in Azerbaydzhan. It is not known if he has lodged an appeal, or if he has a petition for clemency pending. Yury Dzhangiryan, another ethnic Armenian who had also been sentenced to death in Azerbaydzhan in late 1991, died in prison on 9 June 1992.

Five other ethnic Armenians, Grachik Petrosyan, Gagik Arutyunian, Arno Mkrtychyan, Arvid Mangasaryan and Garnik Arustamyan, were convicted by the Azerbaydzhani Supreme Court in Baku on 19 March 1992, accused of murdering an Azerbaydzhani correspondent and three military personnel in the disputed region of Nagorno-Karabakh. An execution date of 2 April, just two weeks after the trial, was later replaced by a stay of execution until 16 May. However, Amnesty International has learned that the five men are still alive and that their cases are being reviewed by the new President of Azerbaydzhan, Abulfaz Elchibey.