

UA 419/94

Fear of imminent execution

29 November 1994

GEORGIA

Tamaz Tsatava (_____ in Russian), aged 37
Levan Kharabadze (_____), aged 25
Paata Tsanava (_____), aged 26
Temuri Miresashvili (_____), aged 32
Romul Gogisvanidze (_____), aged 52
Mamuka Chikaidze (_____), aged 26
Murman Bregvadze (_____), aged 33
Besik Khalaya (_____), aged 22
Mindia Tsotsoria (_____), aged 20
Davit Soselia (_____), aged 27
Tendi Gazdeliani (_____), aged 39
Amir Gazdeliani (_____), aged 22

Amnesty International fears that the above named men face imminent execution unless Eduard Shevardnadze, Chairman of the Georgian parliament and head of state, exercises his constitutional authority and commutes the death sentences of these men.

Tamaz Tsatava was sentenced to death by the Supreme Court of Abkhazia on 5 August 1992. It is believed that the Supreme Court of the Republic of Georgia upheld his death sentence and that his petition for clemency is now pending with the Clemency Commission of the Georgian parliament.

All the other 12 men were sentenced to death by the Supreme Court of the Republic of Georgia. This is the court of highest instance in Georgia and Amnesty International is concerned that these men may not have had the right to appeal to a court of higher jurisdiction against their death sentences.

All were sentenced to death for murder. Paata Tsanava was sentenced to death on 28 July 1993 and Temuri Miresashvili on 28 September 1993. The other 10 were sentenced to death in 1994: Romul Gogisvanidze on 21 March 1994, Murman Bregvadze on 12 April 1994, Besik Khelaya and Mindia Tsotsoria on 11 July 1994, Davit Soselia on 21 July 1994, Tandi and Amir Gazdeliani on 28 July 1994.

Their petitions for clemency are now pending with the Clemency Commission of the Georgian parliament and a decision could be taken at any time. Amnesty International has recently learnt that in some cases execution has been carried out only five months after the death sentence had been pronounced by the Georgian Supreme Court.

Amnesty International opposes the death penalty in all cases without reservation on the grounds that it is a violation of the right to life and the right not to be subject to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration on Human Rights.

BACKGROUND INFORMATION

While still part of the USSR Georgia was the first constituent republic to take concrete moves to limit the application of the death penalty when in 1991 it abolished this punishment for six offenses. This was followed in early 1992 by a moratorium on executions, and a further decree abolishing the death

penalty for 14 military offenses.

Since that time, however, the tide has turned against moves towards abolition.

The rising crime rate and armed conflicts in various parts of the country have been mentioned as contributory factors. Two new offenses carrying a possible death sentence have been introduced into the criminal code, in November 1993 at least nine people were shot dead after head of state Eduard Shevardnadze issued a temporary decree permitting summary executions for looters, and the moratorium on executions was lifted in early 1994. Eight men have been executed since then and 13 men have had their death sentences commuted to 20 years' imprisonment in 1994. Eleven death sentences have already been passed in the first half of 1994.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters either in English, Russian, Georgian or in your own language:

- urging that the death sentences passed on Tamaz Tsatava, Levan Kharabadze, Paata Tsanava, Temuri Miresashvili, Romul Gogisvanidze, Mamuka Chikaidze, Murman Bregvadze, Besik Khalaya, Mindia Tsotsoria, Davit Soselia, Tendi Gazdeliani and Amir Gazdeliani be commuted to imprisonment;
- urging that all other pending death sentences be commuted;
- urging the Georgian authorities to ensure that everyone sentenced to death has the right to appeal to a court of higher jurisdiction in line with internationally agreed standards.

APPEALS TO

Eduard Shevardnadze
Chairman of Parliament
pr. Rustaveli, 8
380018 Tbilisi
Republic of Georgia

Telegrams: E. Shevardnadze, 380018 Tbilisi, Georgia

Faxes: +8832 99 98 87

Salutation: Dear Chairman

Otar Gogeladze
Chairman of the Clemency Commission
of the Georgian Parliament
pr. Rustaveli, 8
380018 Tbilisi
Republic of Georgia

Telegrams: O. Gogeladze, Komissiya po pomilovaniyu, 380018 Tbilisi, Georgia

Faxes: +8832 99 79 85

Salutation: Dear Chairman

COPIES OF YOUR APPEALS TO:

Dzhomlet Babilashvili
Procurator General of the
Republic of Georgia
ul. Gorgosali, 24
380033 Tbilisi
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Faxes: +8832 95 54 61

Tevdore Ninidze
Minister of Justice of the
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Mindziya Ugrekhelidze
Chairman of the Supreme Court of the
Republic of Georgia
ul. Bratyev Zubalashvili, 32
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Aleksandr Chikvaidze
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and to diplomatic representatives of Georgia, if any, accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 January 1995.